

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint)	No. _____
of)	
	)	PERSONAL RESTRAINT
STEPHEN D. BOONE,	)	PETITION
<u>Petitioner.</u>)	

A. STATUS OF PETITIONER

Comes now the Petitioner, STEPHEN D. BOONE, by and through counsel pro bono, Kathryn A. Russell Selk, WSBA # 23879, of RUSSELL SELK LAW OFFICE, and applies for relief from unlawful restraint. He is currently in the custody of the Washington State Department of Corrections, serving a prison term of 932.25 months.

1. The sentence of 932.25 months (77.7 years) was imposed in Pierce County Superior Court on November 18, 2005. See Judgment and Sentence, attached hereto, as Appendix A.

2. Petitioner was charged with one count of first-degree

felony murder, attempted first-degree kidnaping, first-degree kidnaping, attempted first-degree robbery, second-degree unlawful possession of a firearm, and three counts of first-degree robbery. See Information, attached hereto as Appendix B. All counts except for the unlawful possession were charged with firearm enhancements. See id. He was convicted as charged. See Verdict Forms, attached as Appendix C; Special Verdict Forms, attached as Appendix D.

3. Petitioner was convicted after jury trial before the Honorable Judge Ronald E. Culpepper on September 7-8, 12-15, 22-23 and 26-28, 2005. See Clerk's Minutes, attached as Appendix E; App. C; App. D. The sentence of 932.25 months was imposed by Judge Ronald E. Culpepper on November 18, 2005. App. A at 5-7. Petitioner filed a notice of appeal to Division Two of the court of appeals under cause number 34138-7-II. See Notice of Appeal, attached as Appendix F. The appeal was unsuccessful and the Mandate issued on September 20, 2011. See Mandate/Opinion (attached as Appendix G).

4. Petitioner's attorney at trial was Gary Clower, whose office address in Tacoma, Washington is currently listed by the

Washington State Bar Association directory as 1105 Tacoma Ave. S., Tacoma, Washington, 98402-2005. See WSBA website printout Gary Clower, attached as Appendix H.

5. Petitioner's appeal from the decision of the trial court was decided by Division Two of the court of appeals in a published decision issued May 10, 2011. See App. G. Appointed counsel for that case was undersigned counsel pro bono for this proceeding, Kathryn A. Russell Selk, of RUSSELL SELK LAW OFFICE, with a current address of 1037 Northeast 65th St. #176, Seattle, Washington, 98115. See WSBA website printout Russell Selk, attached as Appendix I.

6. Petitioner's Petition for Review in the direct appeal case was denied by the Supreme Court on September 7, 2011 and the Mandate issued on September 20, 2011. App. G.

7. Petitioner has previously sought relief by way of Personal Restraint Petition as follows:

a. Under cause number 38933-9-II, Mr. Boone filed a pro se PRP in Division II of the court of appeals. Interlocutory review was denied by this Court during that proceeding (under No. 83786-4; denied January 8, 2010). The PRP was denied by Division II,

on May 19, 2010. Order, attached as Appendix J. Review of that decision was denied by this Court on December 30, 2010; the Certificate of Finality issued on November 15, 2011 (attached as Appendix K); and

b. Under cause number 88993-7, undersigned counsel pro bono filed a Personal Restraint Petition in this Court on Mr. Boone's behalf on June 25, 2013, which was dismissed and the Order Terminating Review issued on April 3, 2015. Order, attached as Appendix L. The Certificate of Finality was issued on June 29, 2015. Certificate, attached as Appendix M.

B. GROUND FOR RELIEF

Mr. Boone was 16 years old when he was charged and convicted as an adult of multiple crimes and ordered to serve a sentence based on the sentencing court applying then-existing adult sentencing laws. App. A. Mr. Boone is suffering restraint, serving an effective sentence of life without the possibility of parole (more than 930 months) for crimes committed as a juvenile and for which he was sentenced without proper consideration of the mitigating factors of youth as required under the Eighth Amendment and this Court's

decision in State v. Houston-Sconiers, 188 Wn.2d 1, 391 P.3d 409 (2017).

Further discussion of the specific facts of the case, the grounds for relief and arguments in support of the petition are contained in petitioner's Brief in Support of Personal Restraint Petition, filed herewith. Petitioner incorporates the arguments in the Brief into this Petition and asks the Court to grant him relief from the unlawful restraint which he is suffering.

C. STATEMENT OF FINANCES

1. Petitioner Boone respectfully asks this Court to waive the filing and other fees for this Personal Restraint Petition and the subsequent proceedings, pursuant to RAP 16.15(h).

2. Mr. Boone's financial situation at the time of the direct appeal was such that he was entitled to appointed counsel. See, Order of Indigency entered on direct appeal, attached as Appendix N.

3. Mr. Boone's financial situation has only gotten worse since appointment counsel for the direct appeal, because he has been in custody the entire time. See Statement of Finances,

attached as Appendix O.

4. Mr. Boone is not asking the Court to appoint counsel for him, although he is so poor he cannot personally afford to hire one. Current undersigned counsel is representing him pro bono.

5. Specifics regarding Mr. Boone's property of value, his employment, and his debts are set forth separately, in the Petitioner's Statement of Finances Pursuant to RCW 9A.72.085, filed herewith as Appendix O and signed by him. The information contained in that Declaration is incorporated herein. An official declaration of account from the Department of Corrections is attached hereto as Appendix P and incorporated herein.

D. REQUEST FOR RELIEF

For the reasons stated in the Brief in Support of Petition being filed along with this petition, Mr. Boone respectfully asks the Court to grant him relief from the unlawful restraint he is suffering.

E. OATH

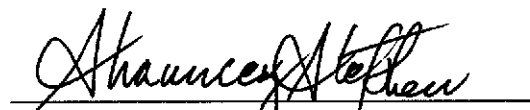
After being first duly sworn, on oath, I depose and say: That I am the attorney for the Petitioner, Stephen D. Boone, that I have read the petition, know its contents, and I believe the petition is true.

DATED this 2nd day of March, 2018.

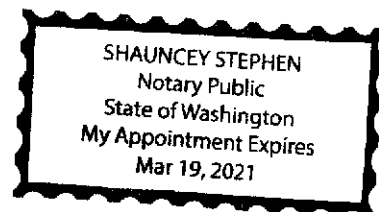


Kathryn Russell Selk, WSBA No. 23879
Counsel pro bono for Petitioner

Subscribed and sworn to before me this 2nd day of March, 2018.



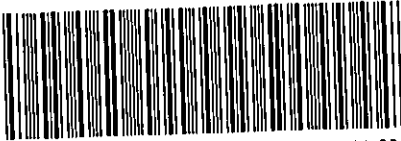
Notary Public in and for the State of
Washington, residing at KING County.



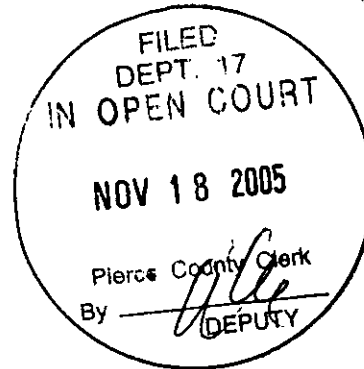
INDEX TO APPENDICES TO PERSONAL RESTRAINT PETITION

Appendix #	Document
A	Judgment and Sentence, Pierce County No. 04-1-03028-7
B	Information, Pierce County No. 04-1-03028-7
C	Verdict Forms, Pierce County No. 04-1-03028-7
D	Special Verdict Forms, Pierce County No. 04-1-03028-7
E	Clerk's Minutes , Pierce County No. 04-1-03028-7
F	Notice of Appeal, Pierce County No. 04-1-03028-7
G	Mandate/Opinion, No. 34138-7-II
H	WSBA/Clower
I	WSBA/Russell Selk
J	Order re: PRP, No. 38933-9-II
K.	Certificate of Finality, No. 38933-9-II
L	Order, No. 88993-7
M	Certificate of Finality, No. 88993-7
N	Order of Indigency, Pierce County No. 04-1-03028-7
O	Current Statement of Finances
P	Declaration of Account

APPENDIX A



04-1-03028-7 24093494 JDSWCD 11-22-05



NOV 22 2005

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 04-1-03028-7

vs.

STEPHEN DEMETRIUS BOONE,

Defendant.

WARRANT OF COMMITMENT

- 1) ☐ County Jail
 2) ☒ Dept. of Corrections
 3) ☐ Other Custody

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

[] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

[X] 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

04-1-03028-7

[] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for
classification, confinement and placement as ordered in the Judgment and Sentence.
(Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: 11-18-05

By direction of the Honorable

JUDGE

RONALD CULPEPPER
CLERK

By: Tawnya Martin
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

NOV 22 2005 Tawnya Martin Deputy

STATE OF WASHINGTON

ss:

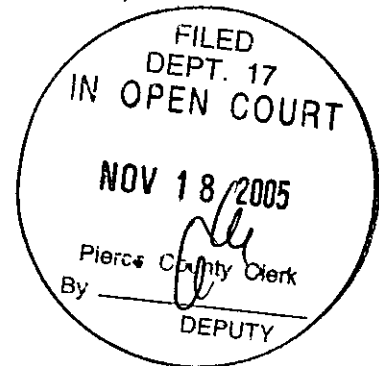
County of Pierce

I, Kevin Stock, Clerk of the above entitled
Court, do hereby certify that this foregoing
instrument is a true and correct copy of the
original now on file in my office.
IN WITNESS WHEREOF, I hereunto set my
hand and the Seal of Said Court this
_____ day of _____, _____.

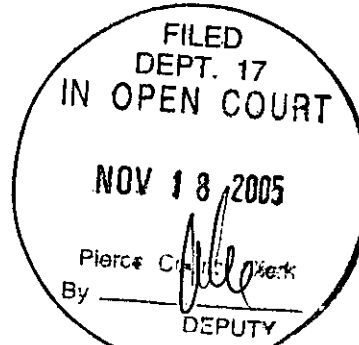
KEVIN STOCK, Clerk

By: _____ Deputy

caf



NOV 22 2005



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

STEPHEN DEMETRIUS BOONE,

Defendant.

JUDGMENT AND SENTENCE (JS)

- ☒ Prison
☐ Jail One Year or Less
☐ First-Time Offender
☐ SSOSA
☐ DOSA
☐ Breaking The Cycle (BTC)

SID: WA20404092

DOB: 05/12/88

I. HEARING

- 1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on 09/28/05 by ☐ plea ☒ jury-verdict ☐ bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	MURDER IN THE FIRST DEGREE, D3	9A.32.030(1)(c) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
II	ROBBERY IN THE FIRST DEGREE, AAA1	9A.56.190 9A.56.200(1)(a)(i) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695

05-9-13800-0

04-1-03028-7

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
III	ROBBERY IN THE FIRST DEGREE, AAA1	9A.56.190 9A.56.200(1)(a)(i) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
IV	ATTEMPTED KIDNAPPING IN THE FIRST DEGREE, F2-A	9A.40.020(1)(b) 9A.28.020 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
V	ROBBERY IN THE FIRST DEGREE, AAA1	9A.56.190 9A.56.200(1)(a)(i) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
VI	ROBBERY IN THE FIRST DEGREE, AAA1	9A.56.190 9A.56.200(1)(a)(i) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
VII	KIDNAPPING IN THE FIRST DEGREE, F2	9A.40.020(1)(b) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
VIII	ATTEMPTED ROBBERY IN THE FIRST DEGREE, AAA1-A	9A.56.190 9A.56.200(1)(a)(i) 9A.28.020 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
IX	UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE, GGG70	9.41.040(1)(b)	NA	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present.

as charged in the Original Information.

04-1-03028-7

☒ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589), (Counts III and IV, and Counts VII and VIII).

☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	FORGERY	09/12/01	PIERCE CTY/WA	07/25/01	JUV	NV
2	UPOF 2	10/14/02	PIERCE CTY/WA	09/12/02	JUV	NV
3	THEFT 3	12/03/01	PIERCE CTY/WA	09/27/01	JUV	MISD
4	OBSTRUCT LAW ENFORCEMENT OFFICER, UPFGLM	02/07/02	PIERCE CTY/WA	01/21/02	JUV	MISD
5	OBSTRUCT	10/14/02	PIERCE CTY/WA	08/07/02	JUV	MISD
6	OBSTRUCT	05/27/04	PIERCE CTY/WA	03/29/04	JUV	MISD

☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

☐ The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	9+	XV	411-548 MONTHS	60 MONTHS	471-608 MONTHS	LIFE/ \$50,000
II	9+	IX	129-171 MONTHS	60 MONTHS	189-231 MONTHS	LIFE/ \$50,000
III	9+	IX	129-171 MONTHS	60 MONTHS	189-231 MONTHS	LIFE/ \$50,000
IV	0	X(.75)	38.25-51 MONTHS	36 MONTHS	74.25-87 MONTHS	10YRS/ \$20,000
V	9+	IX	129-171 MONTHS	60 MONTHS	189-231 MONTHS	LIFE/ \$50,000
VI	9+	IX	129-171 MONTHS	60 MONTHS	189-231 MONTHS	LIFE/ \$50,000
VII	0	X	51-68 MONTHS	60 MONTHS	111-128 MONTHS	10YRS/ \$20,000
VIII	9+	IX(.75)	96.75-128.25 MONTHS	36 MONTHS	132.75-164.75 MONTHS	10YRS/ \$20,000
IX	7	III	33-43 MONTHS	- 0 -	33-43 MONTHS	5YRS/ \$10,000

04-1-03028-7

2.4 ☐ **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence ☐ above ☐ below the standard range for Count(s) _____. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 **LEGAL FINANCIAL OBLIGATIONS.** The judgment shall upon entry be collectable by civil means, subject to applicable exemptions set forth in Title 6, RCW. Chapter 379, Section 22, Laws of 2003.

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

☐ The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are ☐ attached ☐ as follows: *NO AGREEMENT*

III. JUDGMENT

3.1 The defendant is **GUILTY** of the Counts and Charges listed in Paragraph 2.1.

3.2 ☐ The court **DISMISSES** Counts _____ ☐ The defendant is found **NOT GUILTY** of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

RTN/RJN	\$ _____	Restitution to: <u>See attached order/worksheet</u>
	\$ _____	Restitution to: _____
	(Name and Address--address may be withheld and provided confidentially to Clerk's Office).	
PCV	\$ <u>500.00</u>	Crime Victim assessment
DNA	\$ <u>100.00</u>	DNA Database Fee
PUB	\$ <u>1500.00</u>	Court Appointed Attorney Fees and Defense Costs (CT. NOT IMPOSING)
FRC	\$ <u>110</u>	Criminal Filing Fee
FCM	\$ _____	Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 710 TOTAL

04-1-03028-7

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ _____ per month commencing _____ RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

4.2 RESTITUTION

[] The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☒ shall be set by the prosecutor.

[] is scheduled for _____

☒ defendant waives any right to be present at any restitution hearing (defendant's initials): JB

[] RESTITUTION. Order Attached

4.3 COSTS OF INCARCERATION

[] In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate RCW 10.01.160.

4.4 COLLECTION COSTS

The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

4.5 INTEREST

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

4.6 COSTS ON APPEAL

An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.

4.7 [] HIV TESTING

The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.8 [X] DNA TESTING

The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

4.9 NO CONTACT

The defendant shall not have contact with Yong Yi, Ericka Dillman and Jin H. Kim, including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE years (not to exceed the maximum statutory sentence).

[] Domestic Violence Protection Order or Antiharassment Order is filed with this Judgment and Sentence.

04-1-03028-7

4.10 OTHER:

4.11 BOND IS HEREBY EXONERATED

4.12 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

<u>411</u> Months on Count	<u>I</u>	<u>129</u> months on Count	<u>VI</u>
<u>129</u> Months on Count	<u>II</u>	<u>51</u> months on Count	<u>VII</u>
<u>129</u> Months on Count	<u>III</u>	<u>96.75</u> months on Count	<u>VIII</u>
<u>38.25</u> Months on Count	<u>IV</u>	<u>33</u> months on Count	<u>IX</u>
<u>129</u> Months on Count	<u>V</u>		

A special finding/verdict having been entered as indicated in Section 2.1, the defendant is sentenced to the following additional term of total confinement in the custody of the Department of Corrections:

<u>60</u> Months on Count No	<u>I</u>	<u>60</u> months on Count No	<u>V</u>
<u>60</u> Months on Count No	<u>II</u>	<u>60</u> months on Count No	<u>VI</u>
<u>60</u> Months on Count No	<u>III</u>	<u>60</u> months on Count No	<u>VII</u>
<u>36</u> Months on Count No	<u>IV</u>	<u>36</u> months on Count No	<u>VIII</u>

Sentence enhancements in Counts _ shall run

[] concurrent [X] consecutive to each other.

Sentence enhancements in Counts _ shall be served

[X] flat time [] subject to earned good time credit

Actual number of months of total confinement ordered is: 500.25 + 432 = 932.25 months

04-1-03028-7

(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: I, IV, and VII

The sentence herein shall run consecutively to all felony sentences in other cause numbers prior to the commission of the crime(s) being sentenced.

Confinement shall commence immediately unless otherwise set forth here:

(b) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: Credit for time served from 06/17/04.

4.13 [] **COMMUNITY PLACEMENT** (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months.

04-1-03028-7

[] COMMUNITY CUSTODY is ordered as follows:

Count	<u>I</u>	for a range from:	<u>24</u>	to	<u>48</u>	Months,
Count	<u>II</u>	for a range from:	<u>18</u>	to	<u>36</u>	Months,
Count	<u>III</u>	for a range from:	<u>18</u>	to	<u>36</u>	Months,
Count	<u>IV</u>	for a range from:	<u>24</u>	to	<u>48</u>	Months,
Count	<u>V</u>	for a range from:	<u>18</u>	to	<u>36</u>	Months,
Count	<u>VI</u>	for a range from:	<u>18</u>	to	<u>36</u>	Months,
Count	<u>VII</u>	for a range from:	<u>24</u>	to	<u>48</u>	Months,
Count	<u>VIII</u>	for a range from:	<u>18</u>	to	<u>36</u>	Months,
Count	<u>IX</u>	for a range from:	<u>Ø</u>	to	<u>Ø</u>	Months,

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A for community placement offenses -- serious violent offense, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offense. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community service; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

[] The defendant shall not consume any alcohol.

☒ Defendant shall have no contact with: Jin Kim, Yong Yi, Erika Pillman or their family members

[] Defendant shall remain [] within [] outside of a specified geographical boundary, to wit:

[] The defendant shall participate in the following crime-related treatment or counseling services: _____

[] The defendant shall undergo an evaluation for treatment for [] domestic violence [] substance abuse

[] mental health [] anger management and fully comply with all recommended treatment.

[] The defendant shall comply with the following crime-related prohibitions: _____

04-1-03028-7

Other conditions may be imposed by the court or DOC during community custody, or are set forth here: _____

4.14 [] **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.13.

4.15 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505.

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.7602.

5.4 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.5 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.6 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200. N/A

04-1-03028-7

5.7 OTHER: _____

DONE in Open Court and in the presence of the defendant this date: _____

JUDGE

Print name

RONALD E. CULPEPPER

RONALD CULPEPPER

Deputy Prosecuting Attorney

Print name: TIMOTHY F. JONES

WSB # 15928

Attorney for Defendant

Print name:

DARYL L. GRAVES

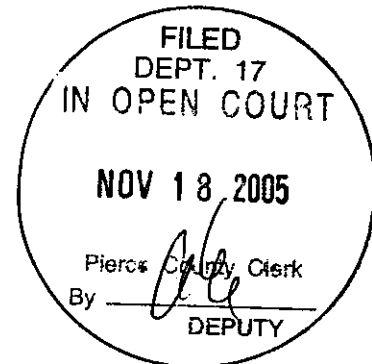
WSB #

7561

Defendant

Print name:

Stephen D. Boone



04-1-03028-7

CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 04-1-03028-7

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____.

Clerk of said County and State, by: _____, Deputy Clerk

04-1-03028-7

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- ☐ sex offense
☐ serious violent offense
☐ assault in the second degree
☒ any crime where the defendant or an accomplice was armed with a deadly weapon
☐ any felony under 69.50 and 69.52 committed after July 1, 1988 is also sentenced to one (1) year term of community placement on these conditions:

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions:

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC:

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

- ☐ (I) The offender shall remain within, or outside of, a specified geographical boundary: _____

☐ (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: _____

☐ (III) The offender shall participate in crime-related treatment or counseling services;
☐ (IV) The offender shall not consume alcohol; _____
☐ (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections, or
☐ (VI) The offender shall comply with any crime-related prohibitions.
☐ (VII) Other: _____

04-1-03028-7

IDENTIFICATION OF DEFENDANT

SID No. WA20404092
(If no SID take fingerprint card for State Patrol)

Date of Birth 05/12/88

FBI No. 988243WB7

Local ID No. UNKNOWN

PCN No. 538149276

Other

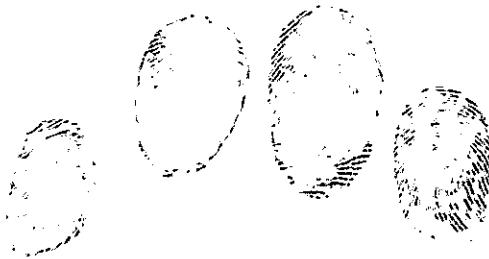
Alias name, SSN, DOB: _____

Race:

☐ Asian/Pacific Islander ☒ Black/African-American ☐ Caucasian ☐ Hispanic ☒ Male
☐ Native American ☐ Other: ☒ Non-Hispanic ☐ Female

FINGERPRINTS

Left four fingers taken simultaneously



Left Thumb



Right Thumb



Right four fingers taken simultaneously

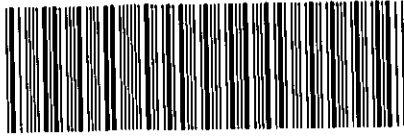


I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, OK Edwards Dated: 11-18-05

DEFENDANT'S SIGNATURE: [Signature]

DEFENDANT'S ADDRESS: _____

APPENDIX B



04-1-03028-7 21197722 INFO 06-18-04

FILED
IN COUNTY CLERK'S OFFICE

A.M. JUN 18 2004 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

STEPHEN DEMETRIUS BOONE,

INFORMATION

Defendant.

823 63326

DOB: 5/12/1988

SEX : MALE

RACE: BLACK

PCN#:

SID#: 20404092

DOL#: UNKNOWN

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse STEPHEN DEMETRIUS BOONE of the crime of MURDER IN THE FIRST DEGREE, committed as follows:

That STEPHEN DEMETRIUS BOONE, in the State of Washington, on or about the 13th day of June, 2004, did unlawfully and feloniously, while committing or attempting to commit the crime of Robbery, and in the course of or in furtherance of said crime or in immediate flight therefrom, shoot Mr. Dong Won, thereby causing the death of Mr. Dong Won, a human being, not a participant in such crime, on or about the 15th day of June, 2004, contrary to RCW 9A.32.030(1)(c), and in the commission thereof, the defendant was armed with a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

COUNT II

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse STEPHEN DEMETRIUS BOONE of the crime of ROBBERY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan,

INFORMATION- 1

ORIGINAL

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

1 and/or so closely connected in respect to time, place and occasion that it would be difficult to separate
2 proof of one charge from proof of the others, committed as follows:

3 That STEPHEN DEMETRIUS BOONE, in the State of Washington, on or about the 13th day of
4 June, 2004, did unlawfully and feloniously take personal property belonging to another with intent to steal
5 from the person or in the presence of Mr. Dong Won, the owner thereof or a person having dominion and
6 control over said property, against such person's will by use or threatened use of immediate force,
7 violence, or fear of injury to Mr. Dong Won, said force or fear being used to obtain or retain possession of
8 the property or to prevent or overcome resistance to the taking, and in the commission thereof, or in
9 immediate flight therefrom, the defendant was armed with a deadly weapon, to-wit: a firearm, contrary to
10 RCW 9A.56.190 and 9A.56.200(1)(a)(i), that being a firearm as defined in RCW 9.41.010, and invoking
11 the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as
12 provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

13 COUNT III

14 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the
15 authority of the State of Washington, do accuse STEPHEN DEMETRIUS BOONE of the crime of
16 ROBBERY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on
17 the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan,
18 and/or so closely connected in respect to time, place and occasion that it would be difficult to separate
19 proof of one charge from proof of the others, committed as follows:

20 That STEPHEN DEMETRIUS BOONE, in the State of Washington, on or about the 13th day of
21 June, 2004, did unlawfully and feloniously take personal property belonging to another with intent to steal
22 from the person or in the presence of Ms. Yong Yi, the owner thereof or a person having dominion and
23 control over said property, against such person's will by use or threatened use of immediate force,
24 violence, or fear of injury to Ms. Yong Yi, said force or fear being used to obtain or retain possession of
the property or to prevent or overcome resistance to the taking, and in the commission thereof, or in
immediate flight therefrom, the defendant was armed with a deadly weapon, to-wit: a firearm, contrary to
RCW 9A.56.190 and 9A.56.200(1)(a)(i), that being a firearm as defined in RCW 9.41.010, and invoking
the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as
provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

25 COUNT IV

26 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the
27 authority of the State of Washington, do accuse STEPHEN DEMETRIUS BOONE of the crime of
28 ATTEMPTED KIDNAPPING IN THE FIRST DEGREE, a crime of the same or similar character, and/or
29 a crime based on the same conduct or on a series of acts connected together or constituting parts of a

1 single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be
2 difficult to separate proof of one charge from proof of the others, committed as follows:

3 That STEPHEN DEMETRIUS BOONE, in Pierce County, Washington, on or about the 13th day
4 of June, 2004, did unlawfully and feloniously with intent to commit the crime of KIDNAPPING IN THE
5 FIRST DEGREE, as prohibited by RCW 9A.40.020(1)(b), take a substantial step toward the commission
6 of that crime against Ms. Yong Yi, contrary to RCW 9A.28.020, and in the course of this crime was
7 armed with a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW
8 9.94A.310/9.94A.510 and adding additional time to the presumptive sentence as provided in
9 RCW9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

10 The elements of the complete crime of KIDNAPPING IN THE FIRST DEGREE are:

11 Feloniously, with intent to facilitate commission of a felony, to-wit: Robbery or flight thereafter,
12 intentionally abduct Ms. Yong Yi, contrary to RCW 9A.40.020(1)(b), and in the course of this crime was
13 armed with a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW
14 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in
15 RCW9.94A.370/9.94A.530.

16 COUNT V

17 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the
18 authority of the State of Washington, do accuse STEPHEN DEMETRIUS BOONE of the crime of
19 ROBBERY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on
20 the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan,
21 and/or so closely connected in respect to time, place and occasion that it would be difficult to separate
22 proof of one charge from proof of the others, committed as follows:

23 That STEPHEN DEMETRIUS BOONE, in the State of Washington, on or about the 13th day of
24 June, 2004, did unlawfully and feloniously take personal property belonging to another with intent to steal
from the person or in the presence of Ms. Ericka Dillman, the owner thereof or a person having dominion
and control over said property, against such person's will by use or threatened use of immediate force,
violence, or fear of injury to Ms. Ericka Dillman, said force or fear being used to obtain or retain
possession of the property or to prevent or overcome resistance to the taking, and in the commission
thereof, or in immediate flight therefrom, the defendant was armed with a deadly weapon, to-wit: a
firearm, contrary to RCW 9A.56.190 and 9A.56.200(1)(a)(i), that being a firearm as defined in RCW
9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the
presumptive sentence as provided in RCW9.94A.370/9.94A.530, and against the peace and dignity of the
State of Washington.

COUNT VI

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse STEPHEN DEMETRIUS BOONE of the crime of ROBBERY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That STEPHEN DEMETRIUS BOONE, in the State of Washington, on or about the 12th day of June, 2004, did unlawfully and feloniously take personal property belonging to another with intent to steal from the person or in the presence of Mr. Jin Kim, the owner thereof or a person having dominion and control over said property, against such person's will by use or threatened use of immediate force, violence, or fear of injury to Mr. Jin Kim, said force or fear being used to obtain or retain possession of the property or to prevent or overcome resistance to the taking, and in the commission thereof, or in immediate flight therefrom, the defendant was armed with a deadly weapon, to-wit: a firearm, contrary to RCW 9A.56.190 and 9A.56.200(1)(a)(i), that being a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

COUNT VII

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse STEPHEN DEMETRIUS BOONE of the crime of KIDNAPPING IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others, committed as follows:

That STEPHEN DEMETRIUS BOONE, in the State of Washington, on or about the 12th day of June, 2004, did unlawfully and feloniously, with intent to facilitate commission of a felony, to-wit: Robbery or flight thereafter, intentionally abduct Mr. Jin Kim, contrary to RCW 9A.40.020(1)(b), and in the course of this crime was armed with a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

COUNT VIII

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse STEPHEN DEMETRIUS BOONE of the crime of ATTEMPTED ROBBERY IN THE FIRST DEGREE, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single

INFORMATION- 4

1 scheme or plan, and/or so closely connected in respect to time, place and occasion that it would be
2 difficult to separate proof of one charge from proof of the others, committed as follows:

3 That STEPHEN DEMETRIUS BOONE, in Pierce County, Washington, on or about the 12th day
4 of June, 2004, did unlawfully and feloniously with intent to commit the crime of ROBBERY IN THE
5 FIRST DEGREE, as prohibited by RCW 9A.56.190 and 9A.56.200(1)(a)(i), take a substantial step toward
6 the commission of that crime against Mr. Jin Kim, contrary to RCW 9A.28.020, and in the course of this
7 crime was armed with a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW
8 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in
9 RCW9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

10 The elements of the complete crime of ROBBERY IN THE FIRST DEGREE are:

11 Take personal property belonging to another with intent to steal from the person or in the
12 presence of Mr. Jin Kim, the owner thereof or a person having dominion and control over said property,
13 against such person's will by use or threatened use of immediate force, violence, or fear of injury to Mr.
14 Jin Kim, said force or fear being used to obtain or retain possession of the property or to prevent or
15 overcome resistance to the taking, and in the commission thereof, or in immediate flight therefrom, the
16 defendant was armed with a deadly weapon, to-wit: a firearm, contrary to RCW 9A.56.190 and
17 9A.56.200(1)(a)(i), that being a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW
18 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in
19 RCW9.94A.370/9.94A.530.

20 COUNT IX

21 And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the
22 authority of the State of Washington, do accuse STEPHEN DEMETRIUS BOONE of the crime of
23 UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE, a crime of the same or
24 similar character, and/or a crime based on the same conduct or on a series of acts connected together or
constituting parts of a single scheme or plan, and/or so closely connected in respect to time, place and
occasion that it would be difficult to separate proof of one charge from proof of the others, committed as
follows:


1 That STEPHEN DEMETRIUS BOONE, in the State of Washington, on or about the 12th or 13th
2 day of June, 2004, did unlawfully, feloniously, and knowingly own, have in his possession, or under his
3 control a firearm, having been previously convicted in the State of Washington or elsewhere of a felony,
4 to wit: Unlawful Possession of a Firearm in the Second Degree, contrary to RCW 9.41.040(1)(b), and
against the peace and dignity of the State of Washington.

5 DATED this 18th day of June, 2004.

6 TACOMA POLICE DEPARTMENT
WA02703

GERALD A. HORNE
Pierce County Prosecuting Attorney

7
8 caf

By: 
9 GERALD T. COSTELLO
Deputy Prosecuting Attorney
10 WSB#: 15738
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 While driving, Defendant used his own cellular phone to call someone. Mr. Kim heard him tell
2 the person to meet him at a store. When they arrived at a market at the corner of S. 19th and MLK Way
3 two other persons met them. Defendant and the two others directed the victim to go inside the store,
4 while McGown waited in the victim's car. Inside the store the four people went to an ATM machine and
5 victim Kim repeatedly tried to withdraw money under Defendant's threat. He did not have sufficient
6 funds available and was unable to retrieve money. During this process, Defendant had the gun in a pocket
7 and stood close to the victim. Defendant's two companions verbally threatened to kill the victim if he did
8 not produce money (Count VIII). Defendant abandoned his effort to get more money from victim Kim.
9 Defendant and the two unidentified companions got into the car the two companions had driven to the
10 market and told McGown to join them. They then drove away, leaving Mr. Kim physically unharmed.
11 The victim quickly contacted police.

12 Defendant and McGown stayed together for the balance of Saturday and into Sunday, June 13th.
13 They acquired an old Ford Mustang, a car known to be a "smoker rental" - a car driven by drug users and
14 frequently exchanged by street persons for short periods of time.

15 In the afternoon of Sunday, June 13th, at approximately 4:00 p.m., McGown drove the mustang
16 with Defendant as the passenger, to the intersection of S. 47th St. and Warner. There they encountered
17 Ms. Erika Dillman, who had walked to that spot to catch a bus, having just finished her work shift.

18 Defendant was in the front passenger seat and the window was down and he asked Ms. Dillman if
19 she had some change they could have. Ms. Dillman said "No, leave me alone." Defendant then crawled
20 through the passenger window (the door was not operating properly and could not be opened) and walked
21 up to Ms. Dillman. He pointed a small, black semi-automatic handgun at her and demanded her money,
22 lacing his words with profanity. He pointed the gun at her ribs and pointed the gun at her head. He took
23 her purse from her and searched through her pockets (Count V). Defendant crawled back through the
24 window and the two drove away. Ms. Dillman immediately called police.

Approximately ten minutes after Ms. Dillman was robbed, the same Ford Mustang with the same
occupants arrived at the gas station where Mr. Won and Ms. Yi became victims. Defendant was seen by
persons at the gas station tossing items from Ms. Dillman's purse out of the car window on to the ground.
Her purse was found on the ground at the gas station. The driver, Demarco McGown, went inside the
store to pay in advance for gasoline. During this time Defendant Boone initiated the criminal episode
upon Mr. Won and Ms. Yi. During the short time frame that Defendant was inside of Mr. Won's and Ms.
Yi's car, McGown was putting \$4 worth of gasoline into the mustang. After Mr. Won was shot,
Defendant ran back to the mustang and demanded that McGown get them out of there. The two quickly
fled.

Police figured out who the perpetrators were and located the two hiding in an apartment rented by
two of Defendant's sisters (who were cooperative with police). McGown came out of the apartment
when ordered to do so. Defendant refused to come out. Police shot tear gas canisters into the apartment.
Only then did Defendant surrender to police. Defendant was heard to say that he got rid of the gun.

Defendant's possession of a gun was illegal. He was previously adjudicated guilty of Unlawful
Possession of a Firearm in the Second Degree in October, 2002 (Count IX).

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: June 18, 2004
PLACE: TACOMA, WA


GERALD T. COSTELLO, WSB# 15738

DECLARATION FOR DETERMINATION
OF PROBABLE CAUSE -2

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

IN COUNTY CLERK'S OFFICE
 FILED
 JUN 18 2004 P.M.
 PIERCE COUNTY, WASHINGTON
 KEVIN STOCK, County Clerk
 BY _____ DEPUTY

NO. 04-1-03028-7

DECLARATION FOR DETERMINATION OF PROBABLE CAUSE

GERALD T. COSTELLO, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the TACOMA POLICE DEPARTMENT, incident numbers 041640033, 041650692 and 041650695;

That the lead detective and police reports and/or investigation provided me the following information:

That in Pierce County, Washington, on or about the 13th day of June, 2004, the defendant, STEPHEN DEMETRIUS BOONE, did commit robbery upon Mr. Dong Won, and during the course of the robbery episode shot him to death.

Victim Won, accompanied by his spouse, Ms. Yong Yi, went to a gas station mini-market at S. 47th St. and S. Pine St. to get gasoline and to buy other items. Defendant, a stranger to them, approached them while they were nearby their car. He pointed a small semi-automatic handgun at them and ordered them into the car. Mr. Won was ordered to drive the car and victim Yi was told to get in the front passenger seat. Defendant took the rear, driver's side seat. Mr. Won was told to drive away from the scene. Defendant demanded that both give him all their money. Both Mr. Won and Ms. Yi complied and handed over their wallets (Counts II & III).

They left the parking area and entered the roadway. They traveled a very short distance and Defendant showed his anger at the fact that the victims only had a small amount of cash. Defendant then demanded that victim Won get out of the vehicle, stating that he (Defendant) would be driving. He simultaneously demanded that victim Yi "stay" in the car. Victim Won and Defendant were both getting out of the car and victim Yi quickly got out of the car too. Defendant again demanded that she remain in the car, but she quickly ran from the spot (Count IV). Defendant then fired at victim Won while he was moving away from the car. The single shot struck Mr. Won in the back of the head. Mr. Won's condition was immediately critical and despite medical intervention he died a couple of days later (Count I).

Defendant's apparent plan was to get more money or other property from victim Yi. This inference is available because of his reaction to getting little cash from the victims and because Defendant did the same thing less than 48 hours earlier with a different victim: a gun-point robbery, then an abduction, with a trip to an ATM machine to try to get more money.

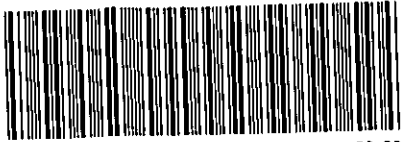
This first criminal episode began just after midnight, in the early a.m. of June 12th. Defendant and his accomplice, Demarco McGown, were on foot in the vicinity of 3105 S. 47th St. Mr. Jin Kim, who does not know the Defendant or McGown, was at his mailbox getting his mail. Defendant and McGown approached Mr. Kim and one was waving a \$5 dollar bill at him asking for a ride to the "Hilltop." Mr. Kim told them no several times. This prompted Defendant to pull out a small handgun and place it to Mr. Kim's head. He demanded money from Mr. Kim, who gave them the cash he had in his pocket, approximately \$200 (Count VI). McGown went through Mr. Kim's pants pockets, looking for more money.

They demanded the keys to Mr. Kim's car. He took them to a car and then the two bickered over who would drive because McGown (14 years old) did not know how to drive a stick shift. Boone initially decided to drive but then ordered Mr. Kim to drive, with Defendant getting in the front passenger seat. As Mr. Kim drove to the Hilltop area of town, as directed, Defendant pointed the gun at his head and yelled at him, saying things like: "Fool, listen to me. You need to do what you are told or we are going to kill you. Understand?!" Mr. Kim was terrified (Count VII).

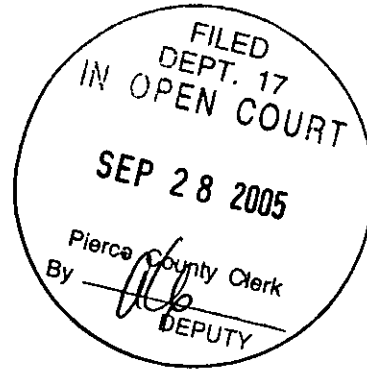
DECLARATION FOR DETERMINATION
 OF PROBABLE CAUSE -1

Office of the Prosecuting Attorney
 930 Tacoma Avenue South, Room 946
 Tacoma, WA 98402-2171
 Main Office (253) 798-7400

APPENDIX C



04-1-03028-7 23797904 VRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

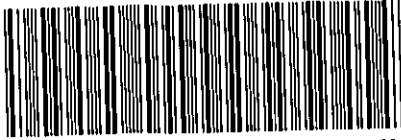
STEPHEN DEMETRUIS BOONE

VERDICT FORM A – Count I

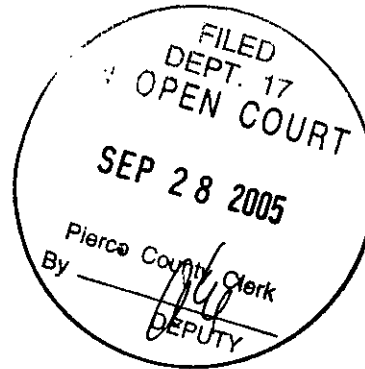
Defendant.

We, the jury, find the defendant GUILTY (Not Guilty or Guilty) of the
crime of Murder in the First Degree as charged in Count I.


PRESIDING JUROR



04-1-03028-7 23797918 VRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

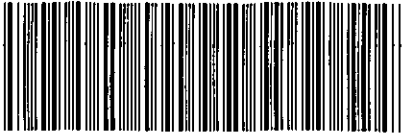
STEPHEN DEMETRUIS BOONE

VERDICT FORM B – Count II

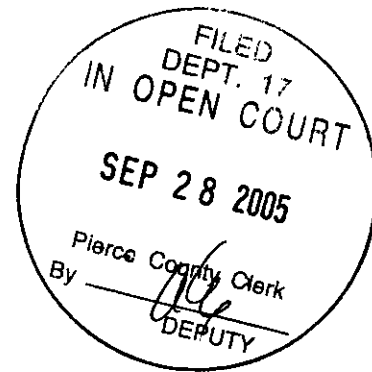
Defendant.

We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the
crime of Robbery in the First Degree as charged in Count II.

[Signature]
PRESIDING JUROR



04-1-03028-7 23797924 VRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

STEPHEN DEMETRUIS BOONE

VERDICT FORM C – Count III

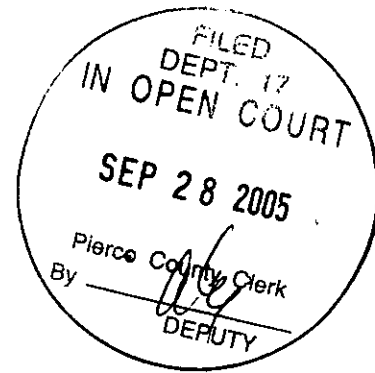
Defendant.

We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the
crime of Robbery in the First Degree as charged in Count III.

[Signature]
PRESIDING JUROR



04-1-03028-7 23797926 VRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

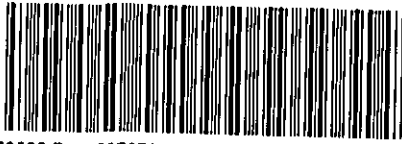
STEPHEN DEMETRUIS BOONE

VERDICT FORM D – Count IV

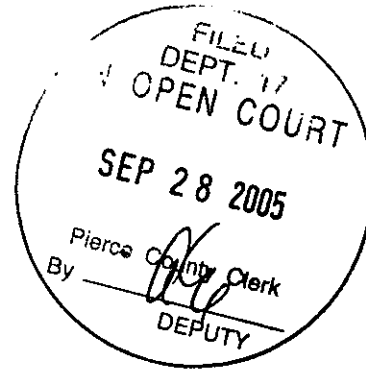
Defendant.

We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the
 crime of Attempted Kidnapping in the First Degree as charged in Count IV.

[Signature]
 PRESIDING JUROR



04-1-03028-7 23797928 VRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

STEPHEN DEMETRUIS BOONE

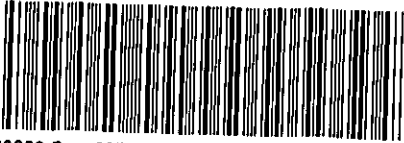
Defendant.

CAUSE NO. 04-1-03028-7

VERDICT FORM E – Count V

We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the
crime of Robbery in the First Degree as charged in Count V.

[Signature]
PRESIDING JUROR



04-1-03028-7 23797929 VRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

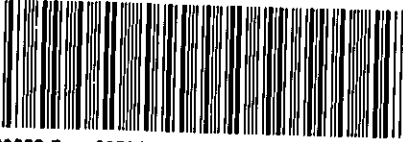
STEPHEN DEMETRUIS BOONE

VERDICT FORM F – Count VI

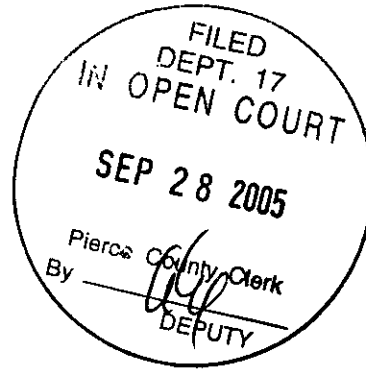
Defendant.

We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the
crime of Robbery in the First Degree as charged in Count VI.

[Signature]
PRESIDING JUROR



04-1-03028-7 23797930 VRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

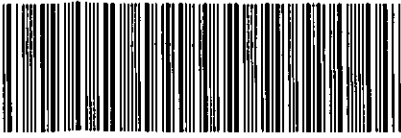
STEPHEN DEMETRUIS BOONE

VERDICT FORM G – Count VII

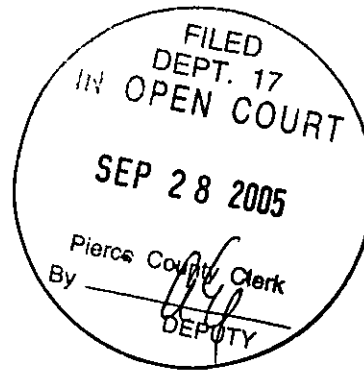
Defendant.

We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the
crime of Kidnapping in the First Degree as charged in Count VII.

[Signature]
PRESIDING JUROR



04-1-03028-7 23797931 VRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

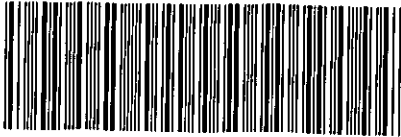
STEPHEN DEMETRUIS BOONE

VERDICT FORM H – Count VIII

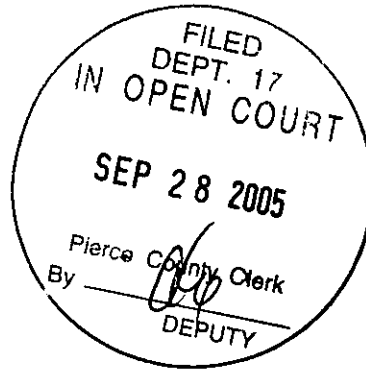
Defendant.

We, the jury, find the defendant GUILTY (Not Guilty or Guilty) of the
crime of Attempted Robbery in the First Degree as charged in Count VIII.

[Signature]
PRESIDING JUROR



04-1-03028-7 23797934 VRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

STEPHEN DEMETRUIS BOONE

Defendant.

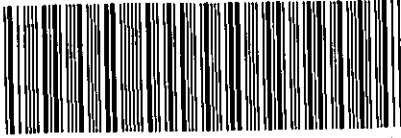
CAUSE NO. 04-1-03028-7

VERDICT FORM I – Count IX

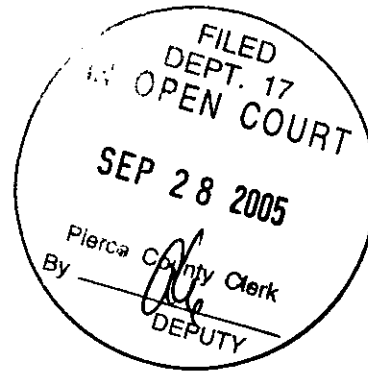
We, the jury, find the defendant Guilty (Not Guilty or Guilty) of the
crime of Unlawful Possession of a Firearm in the Second Degree as charged in Count IX.


PRESIDING JUROR

APPENDIX D



04-1-03028-7 23797935 SVRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

STEPHEN DEMETRUIS BOONE

Defendant.

CAUSE NO. 04-1-03028-7

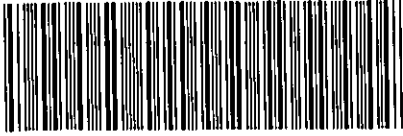
SPECIAL VERDICT FORM A – Count I

We, the jury, return a special verdict by answering as follows:

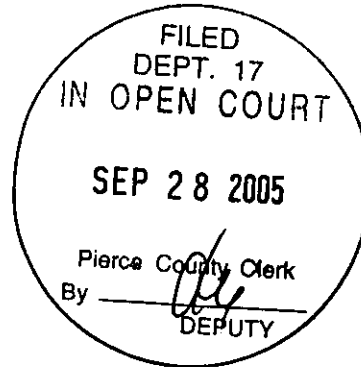
Was the defendant STEPHEN DEMETRUIS BOONE armed with a firearm at the time of the commission of the crime of Murder in the First Degree as charged in Count I?

ANSWER: YES
(Yes or No).

[Signature]
PRESIDING JUROR



04-1-03028-7 23797941 SVRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

STEPHEN DEMETRUIS BOONE

Defendant.

CAUSE NO. 04-1-03028-7

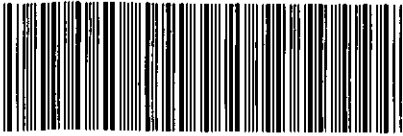
SPECIAL VERDICT FORM B – Count II

We, the jury, return a special verdict by answering as follows:

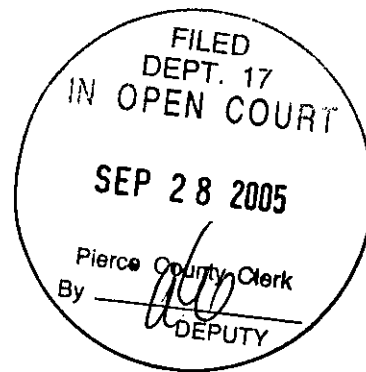
Was the defendant STEPHEN DEMETRUIS BOONE armed with a firearm at the time of the commission of the crime of Robbery in the First Degree as charged in Count II?

ANSWER: YES.
(Yes or No).

[Signature]
PRESIDING JUROR



04-1-03028-7 23797944 SVRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

STEPHEN DEMETRUIS BOONE

Defendant.

CAUSE NO. 04-1-03028-7

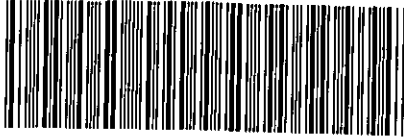
SPECIAL VERDICT FORM C – Count III

We, the jury, return a special verdict by answering as follows:

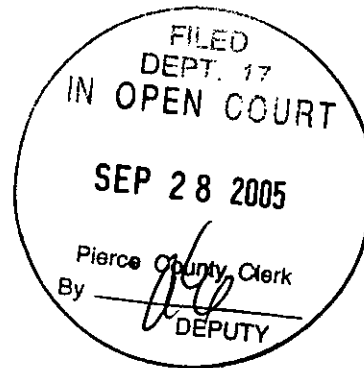
Was the defendant STEPHEN DEMETRUIS BOONE armed with a firearm at the time of the commission of the crime of Robbery in First Degree as charged in Count III?

ANSWER: YES
(Yes or No).

[Signature]
PRESIDING JUROR



04-1-03028-7 23797947 SVRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

STEPHEN DEMETRUIS BOONE

Defendant.

CAUSE NO. 04-1-03028-7

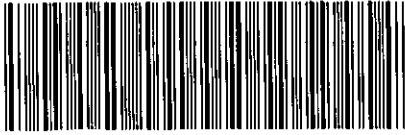
SPECIAL VERDICT FORM D – Count IV

We, the jury, return a special verdict by answering as follows:

Was the defendant STEPHEN DEMETRUIS BOONE armed with a firearm at the time of the commission of the crime of Attempted Kidnapping in the First Degree as charged in Count IV?

ANSWER: YES
(Yes or No).

[Signature]
PRESIDING JUROR



04-1-03028-7 23797948 SVRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

STEPHEN DEMETRUIS BOONE

Defendant.

CAUSE NO. 04-1-03028-7

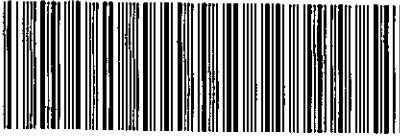
SPECIAL VERDICT FORM E – Count V

We, the jury, return a special verdict by answering as follows:

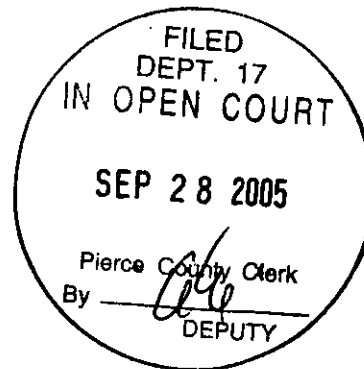
Was the defendant STEPHEN DEMETRUIS BOONE armed with a firearm at the time of the commission of the crime of Robbery in the First Degree as charged in Count V?

ANSWER: YES
(Yes or No).

[Signature]
PRESIDING JUROR



04-1-03028-7 23797950 SVRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

STEPHEN DEMETRUIS BOONE

SPECIAL VERDICT FORM F – Count VI

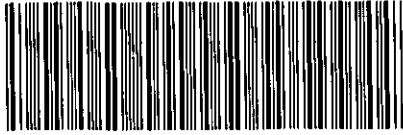
Defendant.

We, the jury, return a special verdict by answering as follows:

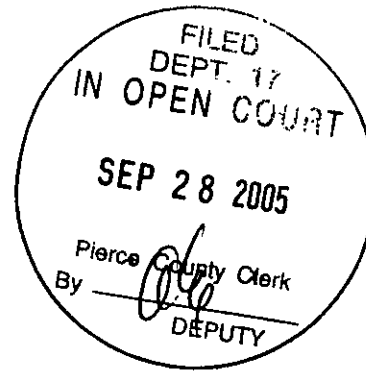
Was the defendant STEPHEN DEMETRUIS BOONE armed with a firearm at the time of the commission of the crime of Robbery in the First Degree as charged in Count VI?

ANSWER: YES
(Yes or No).

[Signature]
PRESIDING JUROR



04-1-03028-7 23797951 SVRD 09-29-05



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

STEPHEN DEMETRUIS BOONE

Defendant.

CAUSE NO. 04-1-03028-7

SPECIAL VERDICT FORM G –
Count VII

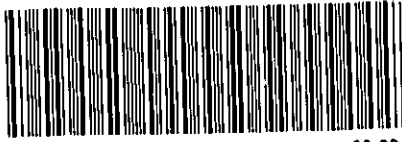
We, the jury, return a special verdict by answering as follows:

Was the defendant STEPHEN DEMETRUIS BOONE armed with a firearm at the time of the commission of the crime of Kidnapping in the First Degree as charged in Count VII?

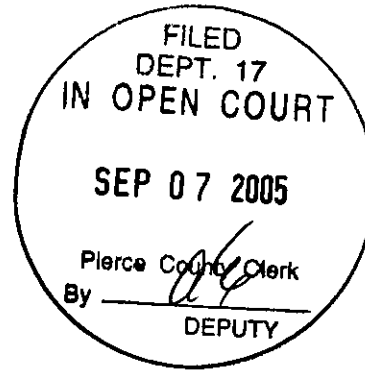
ANSWER: YES
(Yes or No).

[Signature]
PRESIDING JUROR

APPENDIX E



04-1-03028-7 23797711 CME 09-29-05



IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

MEMORANDUM OF JOURNAL ENTRY

vs.

Page 1 of 23

BOONE, STEPHEN DEMETRIUS

Judge: RONALD E CULPEPPER

Court Reporter: KARLA JOHNSON

Judicial Assistant: ANGELA EDWARDS

TIMOTHY F. JONES

Prosecutor

DARYL L. GRAVES

Defense Attorney

Proceeding Set: JURY TRIAL

Proceeding Date: 09/07/05 8:30

Proceeding Outcome: HELD

Resolution: Convict JV After Trial

Clerk's Code:

Proceeding Outcome code: **JTRIAL**Resolution Outcome code: **CVJV**

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 2 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

Judicial Assistant: ANGELA EDWARDS

Court Reporter: KARLA JOHNSON

Start Date/Time: 09/07/05 2:08 PM

September 07, 2005 02:07 PM DPA Tim Jones and Raymond O'Dell present for state. Atty Daryl Graves present with/for in custody defendant.

Scheduling discussed. State's Jury questionnaire is reviewed. Court strikes question #27. Amendment to #24A adding possible 2nd court reporter name. 02:12 PM Modification allowed for #28. Court will allow #29 and sub-parts.

02:19 PM Court will allow #30. 02:24 PM Court will allow #13C. 02:26 PM Court will allow #17. 02:29 PM Number of jurors discussed; hardships etc. Corrections to questionnaire will be made by state, questionnaires will be copied for 45 jurors initially; more jurors may be brought up tomorrow if needed. Jurors will be brought up; instructed, given questionnaires and released until tomorrow morning at 10:30 a.m. State moves to exclude witnesses from courtroom. Argument. Court will allow witnesses to remain during jury voir dire only.

03:15 PM Colloquy re jury questionnaire procedure. Court inquires of defendant re his desire to be present at the passing out of jury questionnaires/instructions. Defendant waives his presence. Court, court staff and attorneys will go down to jury admin to give oath; instruct and pass out questionnaires. 03:22 PM Order signed re defendant's waiver.

End Date/Time: 09/07/05 3:34 PM

Judicial Assistant: ANGELA EDWARDS

Court Reporter: RANDY YORK

Start Date/Time: 09/08/05 9:21 AM

September 08, 2005 09:20 AM All parties present. Counsel agree that an extra 20 jurors will be needed based on questionnaire responses from first 45.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

MEMORANDUM OF JOURNAL ENTRY

vs.

BOONE, STEPHEN DEMETRIUS

Page: 3 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

Court takes a brief break to allow attys to continue reviewing questionnaires and wait for extra jurors to be brought up for questionnaires.

09:46 AM 20 extra potential jurors escorted into courtroom; sworn; instructed; given questionnaires. Directed to return to jury admin; fill out questionnaires and return at 1:30 pm.

09:47 AM Juror #50 (Gerald Burke) announces that he had represented the defendant's family in the past. Inquiry of juror #50 by Atty Graves. Counsel agree to excuse juror #50 for cause. 09:49 AM Juror #55 (Dennis Ashman) addresses court re his position as DPA, Pierce County. Counsel not opposed to excusing juror #55 for cause. **Jurors #50 and #55 excused for cause.**

10:16 AM Court is reconvened. Court and counsel continue discussion regarding jury selection. **Jurors No. 8, 15, 17, 24, 26, and 44 are excused by stipulation of counsel.**

10:22 AM Counsel for defense requests to inquire of Jurors No. 3, 9, 13, 19, 28, 33, and 37 outside the presence of the other jurors and agreement is reached with opposing counsel and the Court. 10:31 AM Court hears motions in limine. (see journal entry) 11:13 AM Court questions jurors 3, 9, 13, 19, 28, 33 and 37 separately. 11:16 AM Jurors seated and sworn. 11:17 AM Jurors escorted back into jury room with the exception of juror #3. Juror #3 questioned separately by court and counsel. 11:23 AM Juror #3 excused to jury room. Juror #9 seated in jury box. Juror #9 questioned separately by court and counsel. 11:31 AM Juror #9 excused to jury room. Juror #13 seated in jury box. Juror #13 questioned separately by court and counsel. 11:35 AM Juror #13 excused to jury room. Juror #19 seated in jury box. Juror #19 questioned separately by court. Counsel does not have questions for juror #19. 11:39 AM Juror #19 excused to jury room. Juror #28 seated in jury box. Juror #28 questioned separately by court and counsel. 11:44 AM Juror #28 excused to jury room. Juror #33 seated in jury box. Juror #33 questioned separately by court and counsel. 11:48 AM Juror #33 excused to jury room. Juror #37 seated in jury box. Juror #37 questioned separately by court. 11:51 AM Counsel does not have any questions for juror #37. 11:51 AM Jurors 3, 9, 13, 19, 28, 33 and 37 seated in jury box. **Court excuses juror #9 for cause after hearing from counsel.**

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

MEMORANDUM OF JOURNAL ENTRY

vs.

BOONE, STEPHEN DEMETRIUS

Page: 4 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

JA excuses juror #9 and directs the others to return to jury admin by 1:30 pm. Court adjourns for lunch.

01:31 PM Court reconvenes. Individual interviews/hardships from new list of jurors discussed. Counsel stipulate to excuse juror #56 for hardships reasons. Jurors #47, 54, 57 and 62 brought up for individual interview.

01:43 PM Jurors #47, #54, #57 and #62 inquired of. No excusals.

02:10 PM All prospective jurors escorted into courtroom for voir dire. Court voir dire.

02:17 PM State voir dire by DPA Raymond O'Dell. 02:26 PM Sidebar. Juror #3 excused/stipulated.

02:44 PM Defense voir dire by Atty Daryl Graves.

03:35 PM After a mid-afternoon break; court reconvenes. Atty Graves continues defense voir dire.

03:36 PM Second round voir dire by state; Atty Tim Jones.

04:00 PM Brief sidebar to address any excusals that can be taken care of today. Jurors #41, 18 and #5 excused at this time. 04:03 PM Court excuses jurors until 10:15 a.m. Monday morning.

End Date/Time: 09/08/05 4:32 PM

Judicial Assistant: ANGELA EDWARDS

Court Reporter: RANDY YORK

Start Date/Time: 09/12/05 9:11 AM

September 12, 2005 09:11 AM All counsel present. Defendant present, in custody. Scheduling issues addressed.

State motion in limine to suppress statement of defendant to Detective David addressed. Discussion as to which statement state wishes to illicit. Statement of "explain it to someone who cares", statement at issue. 09:20 AM Interpreter issue discussed re witness (spouse of victim).

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 5 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

09:25 AM Photo blow-ups discussed; Circle K surveillance photos discussed.

Break to allow counsel to review exhibits.

10:35 AM Court reconvenes. Juror #12 expressed a need to speak to JA in private. Juror #12 has issue with trying a minor as an adult.

DPA Jones moves to excuse for cause (juror #12 is a paralegal with DAC). 10:36 AM Atty Graves addresses court. 10:40 AM Parties not opposed to excusing juror #12 for cause.

Court excuses juror #12 for cause.

10:50 AM 51 remaining jurors escorted into courtroom for continued voir dire.

Juros re-sworn.

Continued defense voir dire by Atty Daryl Graves.

11:25 AM State 2nd round voir dire by Atty Raymond O'Dell.

11:52 AM Jurors excused for lunch break. Directed to return at 1:15pm to jury admin.

01:24 PM Court reconvenes. DPA O'Dell advises court of a minor issue with a potential juror at lunch in the elevator.

01:29 PM Jurors escorted into courtroom. **Second round voir dire by Atty Daryl Graves.**

01:47 PM State 3rd round voir dire by DPA Tim Jones.

02:25 PM Defense 3rd round voir dire by Atty Daryl Graves.

02:26 PM Court inquires of Juror #54 and her ability to serve as juror; seeing autopsy photos. Juror would rather not serve. Counsel agree to excuse.

Court excuses juror #54.

02:31 PM Side bar. 02:35 PM Juror #1 excused for cause; request by both counsel.

02:35 PM Jurors allowed to take break as counsel discuss peremptories.

02:49 PM After afternoon break, court reconvenes. **Peremptories commence.**

03:51PM Jurors impaneled as follows: 2,4,6,7,11,14,21,27,29,32,36,38,39,42,and 45.

Balance of jurors directed to return to jury administration.

Jury panel sworn and given introductory instructions.

04:00 PM Jurors excused to return at 8:50 a.m. tomorrow morning.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

MEMORANDUM OF JOURNAL ENTRY

vs.

BOONE, STEPHEN DEMETRIUS

Page: 6 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING**End Date/Time: 09/12/05 4:12 PM**

Judicial Assistant: ANGELA EDWARDS

Court Reporter: RANDY YORK

Start Date/Time: 09/13/05 9:04 AM**September 13, 2005 09:04 AM** All parties present. All jurors present and seated.**State opening statement by DPA Tim Jones.**

09:40 AM Defense reserves opening statement.

09:42 AM Jurors excused for brief break to await first state witness.

09:43 AM Exhibits (photos) discussed.

10:09 AM Court reconvened. Jury re-seated. **St Wit Timothy L. Taylor, Forensic Specialist, TPD, sworn/testified under direct examination by DPA Odell.**10:16 AM St offers St Exh #61 for illustrative purposes only. No objection. **Court admits St Exh #61 for illustrative purposes only.** Defense requests to voir dire witness re "scale" of diagram, St Exh #61.10:18 AM Direct exam continues. 10:23 AM St offers St Exh #61 into evidence. No obj. Court admits. 10:25 AM St offers St Exh #60 for illustrative purposes only. No defense obj. **Court admits St Exh #60 for illustrative purposes only.** 10:30 AM St offers St Exh's #3 - #7 (photos). After review, no defense obj. **Court admits St Exh #3 - #7.** 10:37 AM St offers St Exh's#8 - #12. After review, no def obj. **Court admits St Exh's #8 - #12.**

10:38 AM St offers St Exh's #13 - #18. After review, no defense obj.

Court admits St Exh's #13 - #18.10:42 AM St offers St Exh's #19 - #24. After review, no def obj. **Court admits St Exh's #19 - #24.** 10:46 AM St offers St Exh's #25 - #29. After reviewing, no def obj. **Court admits St Exh's #25 - #29.**10:50 AM St offers St Exh #108 (video of crime scene). Defense voir dire of witness. St offers St Exh #108 and moves to publish. No defense obj. **Court admits St Exh #108 and allows publication.** Video played.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

MEMORANDUM OF JOURNAL ENTRY

vs.

BOONE, STEPHEN DEMETRIUS

Page: 7 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

10:59 AM Direct continues. St offers St Exh #54. No defense obj.

Court admits St Exh #54. 11:01 AM St offers St Exh #55. No defense obj. **Court admits St Exh #55.** 11:04 AM St offers St Exh's #35 - #39. After review, no def obj. **Court admits St Exh's #35 - #39.**

11:09 AM St offers St Exh's #71 - #81. 11:11 AM After review, defense moves to voir dire witness. 11:11 AM No def obj. **Court admits St Exh's #71 - #81.**

11:14 AM St offers St Exh's #64 - #70. After review, defense objects as to foundation relating to condition of time of pictures being taken and date of incident. State does not re-offer at this time.

11:23 AM Court takes a break to await next state witness.

11:39 AM Court reconvenes. Jurors reseated. **St Wit Ronnee Tamang, sworn/testified under direct examination by DPA Jones.**

11:49 AM St offers St Exh's #64 - #70. Defense voir dire of witness. State offers. No defense obj. **Court admits St Exh's #64 - #70.**

11:53 AM St moves to publish on ELMO. **Court allows publication.**

12:02 PM Jurors excused to address defense obj re video.

01:40 PM Court reconvenes. All parties present. Wit Tamang re-takes stand and is reminded of oath. Video played to allow witness to establish foundation.

01:44 PM St offers St Exh #58. No defense obj. **Court admits St Exh #58.**

01:53 PM Jury seated. St moves to publish St Exh #58. No def obj. **Court allows publication of St Exh #58.**

02:01 PM St offers St Exh #106 and #107 and moves to publish on ELMO. No defense objection. **Court admits St Exh's #106 and #107 and allows publication.**

02:03 PM Cross examination by Atty Graves.

02:05 PM Re-direct by DPA Jones.

02:06 PM St Wit Jin A. Kim, sworn/testified under direct examination by DPA Jones.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

MEMORANDUM OF JOURNAL ENTRY

vs.

BOONE, STEPHEN DEMETRIUS

Page: 8 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

02:22 PM Witness i.d.'s defendant for record.

02:52 PM Court takes a brief break to allow for tech set-up.

03:07 PM Court reconvenes. Jurors reseated. Surveillance tape (St Exh #58) attempted to be played for witness for inquiry.

03:23 PM Cross examination by Atty Graves.**03:28 PM Re-direct by DPA Jones.**

03:36 PM After brief break to allow next state witness to arrive, court reconvenes. State addresses issues with next witness, defendant's sister. State asks permission to treat her as a "hostile witness" as she is now not in the state's favor; not cooperating.

03:40 PM Jurors reseated. **St Wit Amina C. Boone, sworn/testified under direct examination by DPA Jones.****03:55 PM Court adjourns.** Jury directed to return by 8:50 a.m. tomorrow morning.

End Date/Time: 09/13/05 3:56 PM

Judicial Assistant: ANGELA EDWARDS
Start Date/Time: 09/14/05 9:06 AM

Court Reporter: RANDY YORK

September 14, 2005 09:06 AM All parties present. Counsel/court discusses article in newspaper this morning and a cautionary instruction to the jury.

09:08 AM Jurors seated; inquired of re media and given cautionary instruction.

09:09 AM St Wit Scott Williams sworn/testified under direct examination by DPA Jones. 09:23 AM Sidebar.**09:47 AM Cross examination by Atty Graves.**09:59 AM **Def Exh #109** (statement of Wit Williams), marked and i.d.'d.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 9 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

10:02 AM Re-direct by DPA Jones.**10:06 AM Re-cross by Atty Graves.****10:08 AM Further re-direct by DPA Jones.**

10:12 AM Court takes brief break to await next state witness.

10:33 AM Court reconvenes. Jurors re-seated. **St Wit Tom Davidson, TPD Det Sgt., sworn/testified under direct examination by DPA Jones.**10:38 AM **St Exh #110 marked** (incident report) and i.d.'d by witness.

10:44 AM Sidebar; court request. 10:45 AM Defense objection overruled.

10:47 AM Cross examination by Atty Graves.**10:49 AM St Wit Ericka Dillman sworn/testified under direct examination by DPA Jones.**

11:04 AM Wit Dillman i.d.'s the defendant for the record.

11:05 AM State asks to re-open direct; has a couple more questions. Granted..no defense obj.

11:11 AM State moves to publish St Exh's #74, 76, 77 and 78 (photos) on ELMO. No defense objection. **Court allows publication of St Exh's #74, 76, 77 and 78, previously admitted.****11:15 AM Cross examination by Atty Graves.****11:26 AM Re-direct by DPA Jones. 11:32 AM Court adjourns for lunch.**01:32 PM Court reconvenes. Jurors seated. **St Wit Jean Hubbard, sworn/testified**

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 10 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDINGunder direct examination by DPA O'Dell.01:41 PM Cross examination by Atty Graves.01:42 PM St Wit Alan A. Fredrickson, TPD Detective, sworn/testified under direct examination by DPA Jones.01:56 PM St offers St Exh #49a and #49Bb. No defense obj. Court admits St Exh #49a and #49b.01:57 PM St offers St Exh #50a and #50b. No defense obj. Court admits St Exh #50a and #50b.01:58 PM St offers St Exh #51a and #51b. No defense obj. Court admits St Exh #51a and #51b.02:00 PM St offers St Exh #52a and #52b. No defense obj. Court admits St Exh #52a and #52b.02:20 PM After brief break to await next state witness, court reconvenes. Jurors re-seated. St Wit Melvin R. Loomis, sworn/testified under direct examination by DPA Jones.02:39 PM Cross examination by Atty Daryl Graves.02:40 PM Def Exh #111 (statement of Melvin Loomis) marked; i.d.'d by Wit Loomis.02:43 PM Re-direct by DPA Jones.02:45 PM St Wit Mary Lally, TPD Forensic Specialist, sworn/testified under direct examination by DPA Jones.02:51 PM Wit Lally i.d.'s St Exh's #30 - #34. St offers St Exh's #30 - #34. No defense objection. Court admits St Exh #30 - #34.02:59 PM Court adjourns for the day due to witness unavailability.

03:00 PM Jurors directed to return tomorrow at 9am.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

MEMORANDUM OF JOURNAL ENTRY

vs.

BOONE, STEPHEN DEMETRIUS

Page: 11 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

End Date/Time: 09/14/05 3:00 PM

Judicial Assistant: ANGELA EDWARDS

Court Reporter: RANDY YORK

Start Date/Time: 09/15/05 9:00 AM

September 15, 2005 09:00 AM All parties present. DPA Jones addresses issue of days of trial to be held next week considering judicial conference in session.

09:10 AM Jurors seated. **St Wit Deborah Edwards, sworn/testified under direct examination by DPA O'Dell.**

09:12 AM Cross examination by Atty Graves.

09:18 AM St Wit Darren Richardson, sworn/testified under direct examination by DPA Jones.

03:37 PM State has no further witnesses for this afternoon. Sidebar re schedule.

03:37 PM Court advises they are excused until next Thursday at 9am due to the Judicial

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

MEMORANDUM OF JOURNAL ENTRY

vs.

BOONE, STEPHEN DEMETRIUS

Page: 12 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

Conference. Court adjourned.

09:32 AM St Wit Debra Harrison, sworn/testified under direct examination by DPA O'Dell.

09:44 AM St Wit Jennifer Thiel, sworn/testified under direct examination by DPA O'Dell.

10:04 AM St recalls Wit Mary Lally. Wit sworn/testified under direct examination by DPA Jones.

10:10 AM St offers St Exh #53 (nursing asst i.d. card re Ericka Dillman). No defense objection. Court admits St Exh #53.

10:11 AM Cross examination by Atty Graves.

10:15 AM Re-direct by DPA Jones.

10:19 AM Court takes mid-morning break.

10:30 AM State has no more available witnesses this morning. JA excuses jurors for lunch; court to reconvene at 1:30 pm.

01:32 PM Court reconvenes. State asks for a couple of moments to speak with newly arrived witnesses. Court takes a brief break.

01:40 PM Court reconvenes. **St Wit Ron Tennyson, TPD Patrol Officer, sworn/testified under direct examination by DPA O'Dell.**

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 13 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

02:00 PM Cross examination by Atty Graves.**02:01 PM St Wit Jason Pfingston, sworn/testified under direct examination by DPA O'Dell.****02:12 PM St Wit Reginald Gutierrez, TPD Patrol Officer, sworn/testified under direct examination by DPA Jones.**02:22 PM St offers St Exh #57. No defense obj. **Court admits St Exh #57.****02:24 PM Cross examination by Atty Graves.**02:28 PM **St Exh #114 marked, i.d.'d** (supplemental report by Officer Reginald Gutierrez).**02:41 PM St Wit Erik Berg, TPD Forensic Svcs Supv, sworn/testified under direct examination by DPA O'Dell.**02:50 PM **St Exh #115 marked, i.d.'d** (report by Erik Berg).**02:50 PM Cross examination by Atty Graves.****02:54 PM Re-direct by DPA O'Dell.****02:54 PM Re-cross by Atty Graves.**

02:55 PM Sidebar re scheduling.

03:13 PM After mid-afternoon break, court reconvenes. St Wit Von Narcisse, TPD Officer, Community Liason, sworn/testified under direct examination by DPA Jones.**03:23 PM St Wit Gary Lock, TPD Patrol Officer, sworn/testified under direct examination by DPA O'Dell.****03:35 PM Cross examination by Daryl Graves.**

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 14 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

End Date/Time: 09/15/05 3:45 PM

Judicial Assistant: ANGELA EDWARDS

Court Reporter: KARLA JOHNSON

Start Date/Time: 09/22/05 9:06 AM**September 22, 2005 09:06 AM** All parties present. Scheduling addressed.

All jurors present and seated.

09:09 AM St Wit Jennifer Thiel, TPD Officer, recalled; sworn/testified under direct examination by DPA O'Dell.

09:13 AM Brief sidebar.

09:20 AM Issue taken up outside jurors presence re this witnesses last appearance/testimony on 9/15.

09:25 AM Court reporter, Randy York, addresses court re being able to have transcript of said testimony available for Atty Graves. Wit Theil not again available until 9am Monday morning, 9/26. Wit Theil brought back into courtroom and excused until such time.

09:31 AM St Wit TPD Officer Kenneth Bowers, sworn/testified under direct examination by DPA O'Dell.**09:40 AM St Wit TPD Officer Russell Fick, sworn/testified under direct examination by DPA O'Dell.****09:47 AM St Wit TPD Officer Ira Stephens, sworn/testified under direct examination by DPA O'Dell.****10:00 AM Cross examination by Atty Graves.****10:03 AM Re-direct by DPA O'Dell.**

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 15 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING**10:05 AM St Wit Ronnette Slenning, sworn/testified under direct examination by DPA O'Dell.**

10:28 AM St moves to admit St Exh #59 (Circle K cd-rom/surveillance). Defense voir dire of Wit Slenning.

10:35 AM Juror excused for mid-morning break to allow Wit Slenning to view cd to determine authenticity.

10:52 AM Court reconvenes after witness has chance to review cd. Jurors seated. Voir dire of Wit Slenning by Atty Graves continues.

St moves to admit St Exh #59 and moves to publish on DVD player. No defense objections.

Court admits St Exh #59 and allows publication.

11:03 AM St moves to admit St Exh's #82 - #105 (still of video images). Defense voir dire of witness. No defense objections. **Court admits St Exh's #82 - #105.**

11:05 AM Cross examination by Atty Graves.**11:12 AM Re-direct by DPA O'Dell.**

11:13 AM Side bar to discuss afternoon witness scheduling.

11:14 AM Jurors excused for lunch break due to witness scheduling.

11:15 AM Attorneys discuss St Exh's #40 - #47. Parties stipulate that #45 and #47 will not be used. St Exh #44 discussed; cropping of. DPA O'Dell addresses purpose of St Exh #44. It is decided that cropping is necessary. Original of St Exh #44 is now marked as #44a and will mark cropped pics as #44b. 11:21 AM St Exh's #42 and #46 discussed. 11:22 AM St Exh's #40, #41 and #43 discussed.

11:27 AM Court adjourns for lunch break.

01:56 PM Court reconvenes. DPA O'Dell advises court that cropped pic of St Exh #44A has been numbered as St Exh #44B and #44C. St Exh #44C will be the picture used.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 16 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

01:57 PM Parties stipulated to forego inquiry of Wit Ramoso's training and experience. St Wit Formoso, P.C. Medical Examiner, sworn/testified under direct examination by DPa O'Dell. Wit Ramoso inquired of outside jury presence re St Exh #44C. 01:58 PM Wit Ramoso i.d.'s St Exh #42.

01:59 PM Inquiry of Wit Ramoso by Atty Graves. Wit Formoso i.d.'s St Exh #46.

02:05 PM With proper foundation, court will admit St Exh's #42 and #64.

02:07 PM Jurors seated. St Wit Roberto Ramoso, Pierce County Assoc. Medical Examiner, sworn/testified under direct examination by DPA O'Dell.

02:25 PM St offers St Exh's #40 - #43, #44C and #46. Defense objects to #42 and #46 . **Court admits St Exh's #40 - #43, #44C and #46. (admitting #42 and #46 over defense objection).**

02:46 PM St Wit William Webb, TPD Detective, sworn/testified under direct examination by DPA Jones.

03:01 PM Cross examination by Atty Graves.

03:14 PM Court takes mid afternoon break to await next witness.

03:22 PM Court reconvenes. Scheduling addressed. Motion to exclude statements by defendant addressed. Argument. 03:29 PM Court excludes said statements. 03:32 PM State asks for clarification from court re ruling. Court will allow dpa to elicit statement from Det Davis.

03:38 PM Jury reseated. St Wit TPD Detective Daniel Davis sworn/testified under direct examination by DPA Jones.

03:56 PM Sidebar.

03:57 PM Cross examination by Atty Graves.

04:04 PM Matter taken up outside the jurys presence re need for interpreter for wit Yi.

04:07 PM Court certified Koren Interpreter, Mr. Chough and St Wit Yi enter courtroom. St

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 17 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

Wit Yi sworn, inquired of by court; interpreter Chough assists with some interpretation. Court finds that Ms. Yi would benefit by interpreter services based on his inquiry. 04:10 PM Jurors reseated.

Interpreter Kwang Chough sworn. (WPIC 4.65) Responses interpreted by Kwang Chough.

04:11 PM St Wit Yong Yi sworn/testified under direct examination by DPA O'Dell.

04:36 PM Due to time of day and interpreter scheduling, Wit Yi and jurors to return tomorrow at 10:30 a.m. to finish witness Yi.

Jurors excused.

End Date/Time: 09/22/05 4:38 PM

Judicial Assistant: ANGELA EDWARDS
Start Date/Time: 09/23/05 10:36 AM

Court Reporter: KARLA JOHNSON

September 23, 2005 10:35 AM All parties present. Jurors present and seated.

Interpreter's Oath given to Court Certified Korean interpreter, Kwang Chough; re-sworn.

St Wit Yong Yi re-sworn. Direct examination of St Wit Yi continues by DPA Jones.

St offers St Exh #63 (photo of victim before deceased). No defense objection. Court admits St Exh #63. 10:56 AM Wit Yi i.d.'s defendant in courtroom for record.

11:03 AM Cross examination by Atty Graves.

11:12 AM Sidebar to address state objection.

11:17 AM Sidebar to discuss scheduling. Court takes brief break to attempt to bring in a witness.

11:30 AM Court reconvenes. Counsel has stipulated to issue.

11:40 AM Jurors reseated. Wit Yi and Interpreter Chough released. Stipulation read to jurors. 11:53 AM Jurors released until Monday, 9/26 at 9am.

End Date/Time: 09/23/05 11:53 AM

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

MEMORANDUM OF JOURNAL ENTRY

vs.

BOONE, STEPHEN DEMETRIUS

Page: 18 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

Judicial Assistant: ANGELA EDWARDS

Court Reporter: RANDY YORK

Start Date/Time: 09/26/05 9:12 AM

September 26, 2005 09:12 AM All parties present. DPA O'Dell advises court that parties have stipulated to Officer Thiel's testimony of 9/15/05. Stipulation signed by all parties and court. It is agreed that stipulation will be read to jurors by court verbatim. 09:14 AM Atty Graves advises that Officer Kelly is not available to testify and explains why this is an issue. Suggests a stipulation between parties to the issues. State objects.

Parties discuss testimony of Wit McGown.

09:43 AM After a brief break to await next state witness, court reconvenes. Jurors seated. Court reads stipulations (re testimony of Officer Thiel and re prior conviction of defendant.) to jury.

09:45 AM St Wit Brad Graham, TPD Detective, sworn/testified under direct examination by DPA Jones.

09:52 AM St Wit DeMarco McGown (in custody), sworn/testified under direct examination by DPA Jones.

09:55 AM Cross examination by Atty Graves.

09:58 AM STATE RESTS

10:03 AM Jurors excused for extended break to allow court/counsel to address issues.

10:29 AM Court reconvenes. Defense will not call Detective Turner. Defense renews it's motion to sever the "Kim" incident. State response. 10:30 AM Court denies defense motion to sever as previously ruled. State asks that defense profer the testimony of next witness, defendant's sister.

10:31 AM Defense offers profer.

10:32 AM Court advises defendant of his right to testify at trial. Defendant advises he will not be testifying.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 19 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

10:35 AM Jurors seated.

Defense waives previously reserved opening statement.

Def Wit Tamika Boone, adopted sister of defendant, sworn/testified under direct examination by Atty Graves.

10:39 AM Cross examination by DPA Jones.

10:39 AM DEFENSE RESTS.

10:45 AM Jurors excused to allow parties/court to review jury instructions. Jurors directed to return tomorrow morning at 8:50 a.m.

11:06 AM Court reconvenes. Discussion re an issue that was brought to JA's attention by seated Juror #12 as jurors were leaving. Seated juror #12 recognized a person in the gallery that he works with.

After further discussion, parties agree that juror should be brought out individually and inquired of. Seated juror #12 escorted into the jury box and inquired of and excused back to jury room. Parties agree that there is no issue; juror escorted back into courtroom and released to return tomorrow morning at 8:50 a.m.

01:03 PM Court reconvenes. All parties present. Jury instruction review with the court proceeds.

01:04 PM Defense proposed instructions reviewed. #1 - to argue, #2 - defense withdrawing, - 01:06 PM defense reconsiders #2 and does not withdraw, #3 - proposing, #4 - proposing, #5 - withdrawing, #6 - withdrawing,

01:07 PM Defense proposed #1 - argument. 01:11 PM Court gives defense proposed #1 over state objection. 01:11 PM #2 - argument as state objects.

01:18 PM Court declines to give defense #2 over defense obj/exection. #3 and #4 - agreed; #5 and #6 withdrawn. State's orig proposed #26 (133.02.01) modified; same with state's original, proposed #34 - modified.

01:34 PM Objections and exceptions put on record.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 20 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

01:37 PM Identification of 3 alternate jurors discussed. 01:40 PM Court will make copy of jury instructions (excluding verdict forms) for jurors of completed instructions.
Court adjourned for the day.

End Date/Time: 09/26/05 1:41 PM

Judicial Assistant: ANGELA EDWARDS

Court Reporter: RANDY YORK

Start Date/Time: 09/27/05 9:08 AM

September 27, 2005 09:08 AM All parties present. All jurors present and seated.
Jury instructions ready to jury.

09:30 AM **State closing arguments by DPA Raymond O'Dell.**

10:42 AM Court takes a mid-morning break.

10:57 AM **Jurors reseated. Defense closing arguments by Atty Darryl Graves.**

11:39 AM **State's rebuttal closing by DPA Tim Jones.**

11:59 AM Alternates identified by random picking. **Alternates are as follows: seated jurors #'s 8, #12, #9.** Alternates instructed and excused. Jurors escorted into jury room. Defense motion for mistrial based on prosecutorial misconduct during rebuttal closing arguments by DPA Jones. Argument from both sides. Court denies defense motion for mistrial.

12:06 PM Discussion re procedure if jurors wish to see video/cd. Counsel agree that parties need not be present for viewing nor be present if/when jury is instructed on procedure. JA, Judge and Court reporter will not be present during viewing if jurors want to view video/cd.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 21 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

Atty Graves advises he will not be present for verdicts as he will be out of town; his associate, Atty Dennis Burns, will be present.

12:56 PM Jurors begin deliberation.

02:24 PM Jurors advise JA that they would like to view the cd. All parties contacted; directed to return to courtroom to discuss procedure.

02:49 PM All parties present in courtroom. Defendant present in custody. Discussion re instruction to jurors; how to instruct jurors re laptop. JA takes laptop into jury room; Seated juror # (presiding). is selected to be instructed; handle running of laptop/playing of cd, State Exh #59. JA is asked where the starting point is and JA responded the number/time referenced in court was 4.03.58. Discussion/argument re handling of instruction to jury. Atty Graves advises court he will review copy of cd (st exh #59) and if there is an issue, he will be back to address it.

03:49 PM JA responds to a knock from jury room door; Presiding juror returns laptop to JA. St Exh #59 is extracted from laptop and returned to exhibit envelope.

04:00 PM JA responds to knock at juror door. Jurors request to reconvene tomorrow morning at 9am. Jurors released.

End Date/Time: 09/27/05 12:07 PM

Judicial Assistant: ANGELA EDWARDS

Court Reporter: KARLA JOHNSON

Start Date/Time: 09/27/05 12:55 PM**12:56 PM Jurors begin deliberation.**

02:24 PM Jurors advise JA that they would like to view the cd. All parties contacted; directed to return to courtroom to discuss procedure.

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 22 of 23

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

02:49 PM All parties present in courtroom. Defendant present in custody. Discussion re instruction to jurors; how to instruct jurors re laptop. JA takes laptop into jury room; Seated juror # (presiding). is selected to be instructed; handle running of laptop/playing of cd, State Exh #59. JA is asked where the starting point is and JA responded the number/time referenced in court was 4.03.58. Discussion/argument re handling of instruction to jury. Atty Graves advises court he will review copy of cd (st exh #59) and if there is an issue, he will be back to address it.

03:49 PM JA responds to a knock from jury room door; Presiding juror returns laptop to JA. St Exh #59 is extracted from laptop and returned to exhibit envelope.

04:00 PM JA responds to knock at juror door. Jurors request to reconvene tomorrow morning at 9am. Jurors released.

End Date/Time: 09/27/05 4:25 PM

Judicial Assistant: ANGELA EDWARDS
Start Date/Time: 09/28/05 9:00 AM

Court Reporter: NOT ON RECORD

September 28, 2005 09:00 AM All jurors present. Deliberation continues.

09:57 AM Jurors take a mid morning break. 10:09 AM Deliberations continue.

12:00 PM JA notified of reached verdicts. Jurors eat lunch in. Court will reconvene at 1pm for taking of verdicts.

End Date/Time: 09/28/05 1:43 PM

Judicial Assistant: ANGELA EDWARDS
Start Date/Time: 09/28/05 1:43 PM

Court Reporter: RANDY YORK

September 28, 2005 01:42 PM All parties present. 01:45 PM Jurors present and seated for reading of verdicts. Verdicts as follows: 01:49 PM Court inquires of Presiding Juror

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON

Cause Number: 04-1-03028-7

vs.

MEMORANDUM OF JOURNAL ENTRY

BOONE, STEPHEN DEMETRIUS

Page: 2 of 2

Judge: RONALD E CULPEPPER

MINUTES OF PROCEEDING

Judicial Assistant: ANGELA EDWARDS

Court Reporter: RANDY YORK

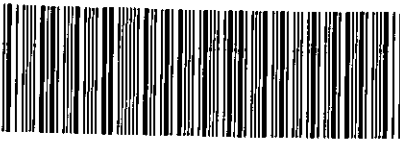
Start Date/Time: 09/28/05 1:43 PM

September 28, 2005 01:42 PM All parties present. 01:45 PM Jurors present and seated for reading of verdicts. Verdicts as follows: Guilty on all 9 counts. Special Verdict Forms - Yes to all counts. 01:49 PM Court inquires of Presiding Juror (seated juror #10) as to unanimous verdicts. Court polls jurors individually. 01:50 PM Court thanks jurors; final instruction given and jurors released.

01:53 PM Sentencing set for 10/21 at 1:30 p.m. Conditions of Release signed. Court adjourned.

End Date/Time: 09/28/05 2:00 PM


APPENDIX F



04-1-03028-7 24142689 NACA 12-02-05

24355 12/5/2005 00152
FILED
IN COUNTY CLERK'S OFFICE

A.M. DEC - 2 2005 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY  DEPUTY

ROOM 946
COPY RECEIVED

DEC 02 2005

GERALD A. HORNE
PIERCE COUNTY PROSECUTING ATTORNEY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiffs,

vs.

STEPHEN D. BOONE,

Defendants.

NO. 04-1-03028-7

NOTICE OF APPEAL TO
COURT OF APPEALS

TO: STATE OF WASHINGTON

AND TO: GERALD A. HORNE, Prosecuting Attorney for Pierce County.

YOU, AND EACH OF YOU, will please take notice that the above defendant seeks review by Division II of the Court of Appeals of the judgment of conviction and/or sentence rendered against him on the 18th day of November, 2005. A copy of the judgment and sentence is attached hereto.

////

////

////

////

////

 ORIGINAL

NOTICE OF APPEAL
DLG/CR/BOONE.S

Law Offices of

DARYL L. GRAVES, PLLP

724 Yakima Avenue • Suite 100

Tacoma, Washington 98405 • (253) 383-7777

1 DATED this 23rd day of November, 2005.

2
3 DARYL L. GRAVES, WSBA #7561
Attorney for Defendant

4 Pierce Co Prosecutor's office, 9th Floor
5 I, DARYL L. GRAVES, a person over 18 years of age, served a true and
accurate copy of this document to which this certification is affixed, on: 12.02.05.
6 Service was made by delivery to ✓ ABC Legal Messengers Inc.; (DAC Staff Person Delivery);
 (Depositing in the mails of the United States of America, properly stamped and addressed).

7 Signature

DARYL L. GRAVES

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
NOTICE OF APPEAL
DLG/CR/BOONE.S

Law Offices of

DARYL L. GRAVES, PLLP

724 Yakima Avenue • Suite 100

Tacoma, Washington 98405 • (253) 383-7777

APPENDIX G

04-1-03028-7 29386825 MND 03-18-08

FILED
IN COUNTY CLERK'S OFFICE

A.M. MAR 17 2008 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

STEPHEN D. BOONE,

Appellant.

No. 34138-7-II

MANDATE

Pierce County Cause No.

04-1-03028-7

The State of Washington to: The Superior Court of the State of Washington
in and for Pierce County

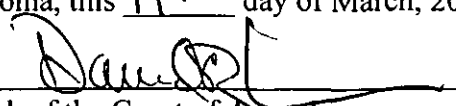
This is to certify that the opinion of the Court of Appeals of the State of Washington, Division II, filed on May 8, 2007 became the decision terminating review of this court of the above entitled case on March 4, 2008. Accordingly, this cause is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the attached true copy of the opinion. Costs have been awarded in the following amount:

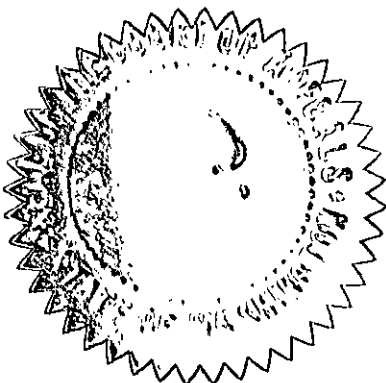
Judgment Creditor: State of Washington - \$13.62

Judgment Creditor: A.I.D.F. - \$5,214.64

Judgment Debtor: Stephen Boone - \$5,228.26

IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the seal of said Court at
Tacoma, this 11th day of March, 2008.


Clerk of the Court of Appeals,
State of Washington, Div. II



CASE #: 34138-7-II

State of Washington, Respondent v. Stephen D. Boone, Appellant

Mandate – Page 2

Hon. Ronald Culpepper
Pierce County Superior Court
930 Tacoma Avenue South
Tacoma, WA 98402

Indeterminate Sentence Review Board

Kathryn A. Russell Selk
Russell Selk Law Office
1037 NE 65th St Box 135
Seattle, WA, 98115-6655

Michelle Hyer
Pierce County Prosecutor
930 Tacoma Ave S Rm 946
Tacoma, WA, 98402-2102

FILED
COURT OF APPEALS
DIVISION II

07 MAY -8 AM 10:41

STATE OF WASHINGTON

BY: DEPUTY

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,
Respondent,

No. 34138-7-II

v.

UNPUBLISHED OPINION

STEPHEN DEMETRIUS BOONE,
Appellant.

Van Deren, J. -- Stephen Demetrius Boone appeals his convictions for first degree murder, four counts of first degree robbery, first degree attempted robbery, first degree kidnapping, first degree attempted kidnapping, and second degree unlawful possession of a firearm. He contends that the trial court (1) abused its discretion in denying his motion to sever the charges related to different victims, (2) erred in denying his motion for mistrial based on prosecutorial misconduct during closing argument, and (3) improperly admitted a custodial statement he made during police interrogation.¹ We disagree and affirm.

¹ Boone also argued in his brief that Washington's "'automatic decline' statute," Br. of Appellant at 28 (citing RCW 13.04.030(1)(v)), violates the International Covenant on Civil and Political Rights, the United Nations Convention on the Rights of the Child, and customary international law, but this argument was abandoned during oral argument and we do not address it here.

No. 34138-7-II

FACTS

Shortly before midnight on June 11, 2004, Jin Kim was checking his mailbox outside his apartment located near the Tacoma Mall when he realized two men were watching him. He tried to avoid them, but they approached asking for a "ride to the Hilltop." Report of Proceedings (RP) at 71. One of the men pointed a gun at Kim and asked for money. They took his wallet, asked for his keys, and told Kim to take them to his apartment. Kim's ex-girlfriend was in the apartment at the time, so Kim told them that he did not live there; he was just checking the mail for someone else. Kim later testified that Stephen Boone,² the one holding the gun, was "in command." RP at 81.

----- According to Kim, after taking his wallet and cell phone, Boone and his colleague got ----- into Kim's car and ordered him to drive to the Hilltop area. When they reached a gas station in Hilltop, they ordered Kim to withdraw money from the station's automated teller machine (ATM). Inside the store they were joined by a man who Boone called "uncle," RP at 192, and an unidentified woman. Boone threatened to shoot Kim when he failed to withdraw any money from the ATM. It soon became apparent that Kim did not have sufficient funds in his account to make a withdrawal.

At that point Boone and the other man left the scene in a different car and the woman told Boone, "Don't say anything to nobody just keep it quiet and we will let you go." RP at 195. Kim was able to get into his car and escape the scene. He located an off-duty police officer and reported what had transpired. The store's video surveillance system recorded the scene. Kim later identified Boone from a photo montage and made an in court identification at trial.

² Boone was 17 years old at the time of the trial.

No. 34138-7-II

Two days later on June 13, a little before 4:00 P.M., Ericka Dillman was walking toward a bus stop in Tacoma when two men in a teal green Mustang pulled up beside her. When the passenger in the Mustang asked for money, she replied that she did not have any. The man climbed out of the Mustang's passenger window, went through her pockets, and took her purse at gun point. He then climbed back into the car and left.

She reported the Mustang's license plate number to the police. When she eventually got her purse back, her social security card and her nursing certificate were missing. She was able to identify Boone from a photo montage as the man who had robbed her and made an in court identification during trial. She also testified that the man had "braids in his hair." RP at 309.

Shortly after 4:00-P.M.-on-the same day, Yong-Yi and her husband, Dong Won, were at a gas station in front of their apartment near the Tacoma Mall. Yi picked up milk from a mini-market inside the gas station, while Won pumped gasoline. When Yi came out of the store, she saw a black man standing next to Won. The man had a gun and told Yi and Won to get in their car. The man climbed into the back seat, took Won's wallet and Yi's purse, and ordered Won to drive the car. Won drove the car for about 10 meters and then the man ordered Won to stop and get out. Both Won and Yi exited the vehicle. Yi saw Won motion with his eyes for her to run away as the man aimed a gun at his head. Yi was able to see Won grab the gun and heard a gunshot as she ran toward the store. Won died from the gunshot wound. Although she had earlier failed to identify him from a photo montage, Yi identified Boone at trial as the man who

No. 34138-7-II

shot her husband. She also testified that the man who shot her husband had "braided hair." RP at 527. Several witnesses³ heard the gunshot or saw a "teal-colored Mustang" at the gas station, but none of the other witnesses was able to identify Boone as one of the two men in the Mustang. RP at 584.

Scott Williams testified that on the day of the Dillman and Yi robberies and murder he followed a green Mustang driven by two black men because he sensed "something wrong." RP at 242. The men in the Mustang threw cards out of the car window as they drove. Williams followed the Mustang to the gas station where Won was shot a few minutes later. He also saw a black man get into the green Mustang shortly after the gunshot. After hearing the gunshot, Williams returned to the area where the cards had been thrown from the green Mustang and retrieved them. Williams gave the cards and the Mustang's license plate number to the police. One of the cards was Dillman's nursing certificate.

On June 15, Detective Tom Davidson searched Boone's sister's apartment. Upon entry, Davidson immediately located and arrested the other suspect in the case, Demarco McGown. The police arrested Boone at the apartment after a special weapons and tactics (SWAT) team discharged four gas canisters inside. Davidson later testified that Amina Boone, Boone's sister, told him that Boone "already threw the gun away," but at trial she denied making the statement. RP at 290.

Detective Daniel Davis testified that when he interrogated Boone, Boone seemed "disinterested" and stated that "he had never robbed anyone" and that "he had not been in any

³ Ronnette Slenning witnessed the teal-colored Mustang and heard the sound of a gunfire. Also, Debra Harrison saw the Mustang, and Jason Pfingston heard the gunshot.

No. 34138-7-II

green Mustang.” He stated that, after he told Boone how the investigation led to him, Boone replied, “explain it to someone who cares.” RP at 663.

The State charged Boone with first degree murder of Dong Won (count I), first degree robbery of Dong Won (count II), first degree robbery of Yong Yi (count III), first degree attempted kidnapping of Yong Yi (count IV), first degree robbery of Ericka Dillman (count V), first degree robbery of Jin Kim (count VI), first degree kidnapping of Jin Kim (count VII), first degree attempted robbery of Jin Kim (count VIII), and second degree unlawful possession of a firearm (count IX). The State charged all of the counts except count IX with firearm enhancements.

A-Criminal Rule (CrR) 3.5 hearing was held on September 7, 2005. RP at 32. The trial court concluded that Boone’s statements to Davis “were knowingly and voluntarily made” and were therefore admissible. RP at 63. At trial, Boone attempted to exclude his statement “[e]xplain it to someone who cares,” arguing that it suggested “callousness,” “insensitivity,” or “arrogance.” RP at 644. The trial court initially stated, “I think I’m going to exclude the statement. . . letting it in . . . just creates more problems than necessary. It seems to me it’s somewhat marginal to the State’s case.” RP at 645. But the trial court later reversed itself and ruled, “[b]ut [the State] wants this in, and it’s admissible under 801, 802. . . So I will allow him to elicit the statement ‘explain it to someone who cares’ from Detective Davis if he decides to do that.” RP at 649-50.

Following voir dire, Boone moved to sever counts VI, VII, and VIII -- counts related to victim Jin Kim -- because Kim’s “strong identification” could lead the jury to believe that Boone was the perpetrator of all the charged offenses. RP (Sep. 8, 2005) at 4. The trial court denied Boone’s motion to sever, ruling,

No. 34138-7-II

Court: However, I am going to deny the motion to sever in this case partly because it is very late in the game. . . This is a fairly old case, 440 days or something. The State has prepared, I assume with the anticipation that it would be going forward with all nine counts. This is a little late.

[The State] assures me that -- or tells me that identity's not an issue, and that if, in fact, identity is real strong on the Kim incidents from the Friday or Saturday and identity was real weak on the other cases, I would be concerned about jurors thinking, well, a guy who did the Kim incidents probably did the other ones, too. But apparently -- my understanding is Mr. McGown was in the later incidents also and he's going to testify?

[The State]: That's correct, Your Honor.

Court: So, seems to me identity maybe isn't quite as great an issue as [defense counsel] might think.

RP (Sep. 8, 2005) at 11-12. Defense counsel agreed that "McGown will testify in all counts."

RP (Sep. 8, 2005) at 12. Contrary to expectations, McGown testified that he did not know

Boone and had no recollection of the weekend of June 12 and 13, 2004.

After the State rested its case, Boone renewed his motion to sever counts VI, VII, and VIII. The trial court denied his motion again, stating, "[w]ell, I am going to deny the motion to sever. Again what I said prior to trial remains. It is, of course, more efficient to try them together. Again this is brought relatively late. I don't know if I need to add anything else." RP at 726.

Tamika Boone, another of Boone's sisters, testified that Boone had never had his hair braided and that McGown's hair was braided on the morning of June 14. During closing arguments, the State admitted that Boone's hair was "not braidable," RP at 836, and that McGown "had his hair in braids." RP at 837-38.

The State argued:

Mr. McGown has trouble recalling, you know, anything that happened in his life at that point, or during that weekend. You know what? Maybe he did truly forget what had happened that weekend, maybe he really would like to forget what

No. 34138-7-II

happened that week even, or maybe the fact that this gallery was packed full of people caused him to lose some of his memory.

Doesn't remember or doesn't want to remember.

RP at 841. Boone moved for a mistrial, claiming prosecutorial misconduct. The trial court denied Boone's motion and ruled, "I don't think it rises -- if it's misconduct -- I am not sure it is -- it certainly I don't think rises to the level of requiring mistrial. I am going to deny the motion for mistrial." RP at 848.

The jury found Boone guilty on all counts. The trial court sentenced him to a total confinement of 932.25 months. Boone appeals.

ANALYSIS

I. MOTION TO SEVER

Boone first contends that the trial court abused its discretion in denying his motion to sever and that he was denied effective assistance of counsel because his attorney failed to file the motion in a timely manner. He also argues that the trial court should have granted his renewed motion to sever following McGown's testimony.

"A defendant's motion for severance . . . must be made before trial, except that a motion for severance may be made before or at the close of all the evidence if the interests of justice require. Severance is waived if the motion is not made at the appropriate time." CrR 4.4(a)(1).

A motion to sever made on the first day of trial is untimely under CrR 4.4(a)(1). *State v. Hernandez*, 58 Wn. App. 793, 797, 794 P.2d 1327 (1990), *disapproved on other grounds by State v. Kjorsvik*, 117 Wn.2d 93, 812 P.2d 86 (1991). A defendant seeking severance bears the burden of demonstrating that a trial on multiple counts "would be so manifestly prejudicial as to outweigh the concern for judicial economy." *State v. Bythrow*, 114 Wn.2d 713, 718, 790 P.2d

No. 34138-7-II

154 (1990). The trial court's refusal to sever counts is reversible only upon a showing that the trial court's decision constituted a manifest abuse of discretion. *Bythrow*, 114 Wn.2d at 717.

Here, the trial court denied Boone's motion to sever because he made the motion "very late in the game" and because his identity was not an issue. RP (Sep. 8, 2005) at 11. Thus, Boone's initial motion to sever was untimely because it was made after jury voir dire on the first day of trial.

But in addition to looking at the timeliness of a severance motion, we note that the refusal to sever counts may prejudice a defendant because "(1) he may become . . . confounded in presenting separate defenses; (2) the jury may use the evidence of . . . one crime[] charged to

infer . . . guilt [on another] crime or crimes charged; or (3) the jury may cumulate evidence of the various crimes charged and find guilt when, if considered separately, it would not so find."

Bythrow, 114 Wn.2d at 718. Factors that tend to mitigate prejudice that may arise from a refusal to sever offenses at trial include: "(1) the strength of the State's evidence on each count; (2) the clarity of defenses as to each count; (3) court instructions to the jury to consider each count separately; and (4) the admissibility of evidence of the other charges even if not joined for trial." *State v. Russell*, 125 Wn.2d 24, 63, 882 P.2d 747 (1994).

In assessing Boone's claim that the trial court was compelled to grant his motion to sever and committed a manifest abuse of its discretion in denying it, we compare the State's evidence on the Kim counts (VI, VII and VIII) to that of the Yi/Won counts (I, II, III, and IV) and the Dillman count (V) because Boone did not move to sever the Dillman count from the Yi/Won counts.

Kim identified Boone in a photo montage and later made an in court identification. Video surveillance footage showed Boone and Kim at the store. Yi failed to identify Boone in a

No. 34138-7-II

photo montage, but she made an in court identification of Boone. Thus, even though the evidence of Boone's identity in the Yi and Won robbery and murder was not overwhelming, the relative strength of the evidence on both robberies was not "sufficiently dissimilar to merit severance." *Russell*, 125 Wn.2d at 64.

Second, clarity of the defense was not an issue. "The likelihood that joinder will cause a jury to be confused as to the accused's defenses is very small where the defense is identical on each charge." *Russell*, 125 Wn.2d at 64-65. Because Boone's general denial was the same for all counts, the likelihood of jury confusion was slight.

Third, the trial court properly instructed the jury to decide each count separately.

Because "a jury is presumed to follow the trial court's instructions," the instruction to decide each count separately mitigated any prejudice. *State v. Lough*, 125 Wn.2d 847, 864, 889 P.2d 487 (1995).

Finally, although the evidence of the different robberies was not cross-admissible, severance was not required as a matter of law. *State v. Kalakosky*, 121 Wn.2d 525, 538, 852 P.2d 1064 (1993). Evidence of prior acts or crimes is inadmissible if it is offered to establish a person's character or to show he acted in conformity with that character. ER 404(b).

"Evidence of other crimes is relevant on the issue of identity only if the method employed in the commission of both crimes is 'so unique' that proof that an accused committed one of the crimes creates a high probability that he also committed the other crimes with which he is charged." *Hernandez*, 58 Wn. App. at 799 (citations omitted). Here, all three robberies occurred in an area near the Tacoma Mall within a two-day period and, in both the Kim and Yi/Won counts, the perpetrator had a gun and kidnapped or attempted to kidnap the victims following the robbery. These facts are insufficient to demonstrate that the method was so unique

No. 34138-7-II

that proof of Boone's commission of one crime would create a high probability that he committed the other crimes. Thus, evidence on the Kim counts would not be admissible on the issue of identity in the Yi/Won counts.

But severance is not automatically required when evidence of one count would not be admissible in a separate trial on the other count. *Bythrow*, 114 Wn.2d at 720. Accordingly, this factor alone is insufficient to mandate a reversal or a conclusion that the trial court abused its discretion in refusing to sever the joined counts.

Boone stresses that even if the trial court did not err in denying his motion on the first day of trial, he was entitled to severance when he renewed his motion following McGown's failure to corroborate Yi's identification of Boone.

We have held that the "interests of justice" exception under CrR 4.4(a)(1) applies where prejudice arises during trial. *State v. Harris*, 36 Wn. App. 746, 750, 677 P.2d 202 (1984).

Boone relies on *Hernandez* to support his argument that the trial court should have severed the Kim and Yi/ Won charges. *Hernandez* was tried for three counts of robbery involving different convenience stores on different dates. There, the witnesses' degree of certainty about the identity of the defendant varied greatly. We held that this disparity, coupled with the lack of cross-admissibility, required severance. *Hernandez*, 58 Wn. App. at 800. We did not find the trial court's error harmless because "where the prosecution tries a weak case or cases, together with a relatively strong one, a jury is likely to be influenced in its determination of guilt or innocence in the weak cases by evidence in the strong case." *Hernandez*, 58 Wn. App. at 801.

But here, the strength of the State's evidence linking Boone to the different crimes, even in light of the lack of cross-admissibility of the evidence, did not require the trial court to sever

No. 34138-7-II

the Kim counts following McGown's testimony because the State presented strong evidence of Boone's connection to each of the crimes.

Evidence of Boone's participation in the Kim robbery was very strong. The State presented Kim's identification of Boone from the photo montage and in court, as well as videotaped evidence of Boone and Kim at the store at the time of the robbery.

The State's evidence of Boone's participation in the Yi/Won and Dillman crimes was equally strong, although different from that in the Kim robbery. Yi identified Boone in court but could not identify him in a photo montage. But Dillman identified him from a photo montage and in court. Moreover, Williams testified that he followed the teal-colored Mustang used only in the Dillman and Yi/Won crimes to the gas station where Won was killed. Williams testified that there were two black men in the car and that they discarded Dillman's nursing certificate on the way to the gas station. He then heard the shots that resulted in Won's death. Under these circumstances, the jury's determination in the Yi/Won and the Dillman crimes was unlikely to be tainted by the refusal to sever the charges relating to the Kim crimes. *Hernandez*, 58 Wn. App. at 801.

With regard to the question of identity of the shooter with braids, it is within the jury's province to resolve disputed testimony and to judge the credibility of witnesses. *State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990). We do not second-guess a jury's factual determinations. *State v. Hughes*, 106 Wn.2d 176, 203-04, 721 P.2d 902 (1986). Given that multiple witnesses saw the teal-colored Mustang at the gas station where the Yi/Won crimes occurred, Yi and Dillman's testimony regarding the braids is insufficient to mandate severance as a matter of law.

No. 34138-7-II

In addition, any prejudice Boone may have experienced was outweighed by concerns for judicial economy. The State contends that multiple witnesses would have been required to testify in both trials had the trial court severed counts VI, VII, and VIII. Thus, a “conservation of judicial resources and public funds” supported the refusal to sever the charges. *See Bythrow*, 114 Wn.2d at 723. Consequently, the trial court did not abuse its discretion in denying Boone’s renewed motion to sever the charges related to the Kim crimes from the crimes involving Yi and Won.

Finally, when a defendant claims ineffective assistance of counsel based on his attorney’s failure to successfully argue a motion to sever, he must show prejudice by demonstrating that the motion should have been granted and that, but for the deficient performance, “there is a ‘reasonable probability’ that . . . the outcome of the [trial] would have been different.” *State v. Standifer*, 48 Wn. App. 121, 125-26, 737 P.2d 1308 (1987). We “engage in a strong presumption counsel’s representation was effective.” *State v. McFarland*, 127 Wn.2d 322, 335, 899 P.2d 1251 (1995).

Nevertheless, we note that Boone’s claim of ineffective assistance of counsel lacks merit because he fails to show that his motion to sever should have been granted. At least three of the four prejudice-mitigating factors were present when the trial court denied the motion. And the State presented strong independent evidence of his participation in the crimes involving Kim, Yi and Won, and Dillman, making it unlikely that the outcome of the trial would have differed in separate trials. Boone’s ineffective assistance of counsel claim fails.

II. PROSECUTORIAL MISCONDUCT

Boone also argues that the trial court abused its discretion in denying his motion for a mistrial when the prosecutor, in his closing arguments, stated that McGown may have forgotten

No. 34138-7-II

about the crimes because of the people in the courtroom and that Boone was “the leader, the one in control and the one who committed the crimes.” Br. of Appellant at 24. He asserts, “no juror could have failed to pick up the prosecutor’s underlying accusation that Mr. Boone or someone close to him had somehow done something improper to cause the ‘memory loss.’” Br. of Appellant at 23.

We do not reverse a conviction due to prosecutorial misconduct unless “the prosecutor’s conduct was improper and prejudiced [the defendant’s] right to a fair trial.” *State v. Boehning*, 127 Wn. App. 511, 518, 111 P.3d 899 (2005). When evaluating purportedly improper remarks, we consider them in the context of the entire case, including the entire argument, the issues presented, the evidence at issue, and the trial court’s instructions. *Russell*, 125 Wn.2d at 85-86.

We grant trial counsel wide latitude to draw reasonable inferences from the evidence, but counsel may not make statements that the evidence does not support. *Boehning*, 127 Wn. App. at 519. There is reversible prejudice only when there is a substantial likelihood that the conduct in question affected the jury’s decision. *State v. Stenson*, 132 Wn.2d 668, 718-19, 940 P.2d 1239 (1997). The defendant bears the burden of proof. *Stenson*, 132 Wn.2d at 718.

Here, Boone moved for a mistrial when the prosecutor argued that McGown’s trouble recalling what had happened on the days of the robberies may have been caused by “the fact that this gallery was packed full of people.” RP at 841. But simply telling the jury that McGown may have been influenced by a trial courtroom full of people was neither improper nor prejudicial. It is unreasonable to construe the prosecutor’s statement to mean that Boone improperly caused McGown to testify falsely. Additionally, the prosecutor’s statement that Boone was the leader and the one in control was based on Kim’s testimony that Boone was in command during the robbery. Because Boone fails to meet his burden to demonstrate a

No. 34138-7-II

substantial likelihood that the prosecutor's remarks affected the jury's verdict, his prosecutorial misconduct claim fails. *Stenson*, 132 Wn.2d at 718-19.

The trial court properly denied Boone's motion given the context of the prosecutor's statements. As the trial court properly ruled, even if we were to assume that the prosecutor's remarks were improper, they did not "rise[] to the level . . . requiring mistrial." RP at 848.

III. ADMISSION OF CUSTODIAL STATEMENT

Boone also argues that the trial court abused its discretion by admitting his statement, "[e]xplain it to someone who cares." Br. of Appellant at 25. He asserts that this statement he made during police interrogation was irrelevant and prejudicial because it was evidence of "bad acts" and was not harmless. Br. of Appellant at 25.

The trial court determines whether evidence is relevant and we review the trial court's ruling for a "manifest abuse of discretion." *State v. Vreen*, 143 Wn.2d 923, 932, 26 P.3d 236 (2001) (citations omitted). A trial court abuses its discretion only when no reasonable person would have decided the issue as the trial court did. *State v. Huelett*, 92 Wn.2d 967, 969, 603 P.2d 1258 (1979). We must presume the trial court's decision correct and reverse only if the appellant makes "an affirmative showing of error." *State v. Wade*, 138 Wn.2d 460, 464, 979 P.2d 859 (1999).

Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

ER 404(b). Evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." ER 401. Even "relevant evidence may be

No. 34138-7-II

excluded if its probative value is substantially outweighed by the danger of unfair prejudice." ER 403.

Boone fails to offer any authority to support his assertion that evidence of "callousness" can constitute "bad acts." Br. of Appellant at 27. Boone's statement "[e]xplain it to someone who cares," is not evidence of a bad act because it does not implicate any crime or misconduct by Boone. Br. of Appellant at 26. Nor does this statement tend to prove Boone's propensity to commit a crime. It was merely his response when the police confronted him with facts that led them to him. Although the statement's probative value seems marginal, it cannot be said that no reasonable person would have admitted the statement as the trial court did. Thus, the trial court did not abuse its discretion in admitting it.

We affirm.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

Van Deren, J.
Van Deren, J.

We concur:

Houghton, C.J.
Houghton, C.J.

Quinn-Brintnall, J.
Quinn-Brintnall, J.

APPENDIX H



WSBA.ORG
Website

CLE ONLINE
Store

MY
Profile

MCLE
Activities Search

LEGAL
Directory

[Login](#)

LEGAL DIRECTORY

[Legal Directory](#) » [Legal Profile](#)

Legal
Directory

Search in:

Legal
Directory

Discipline
Notices

Gary Michael Clower

License Number: 13720
[License Type:](#) Lawyer
Eligible To Practice: Yes
[License Status:](#) Active
WSBA Admit Date: 10/28/1983

Contact Member

Contact this member via email.

Disclaimer

Legal Profile disclaimer.

Contact Information

[Back to top](#)

Public/Mailing Address:
1105 Tacoma Ave S
Tacoma, WA 98402-2031
United States
Email: garyclower@yahoo.com
Phone: (253) 383-5346
Fax: (253) 572-6662
Website:
TDD:

Practice Information Identified by Legal Professional

[Back to top](#)

Firm or Employer:
Office Type and Size: Solo in Shared Office or Suite
Practice Areas: Criminal
Languages Other Than English: None Specified

Professional Liability Insurance

[Back to top](#)

Private Practice: Yes
Has Insurance? Yes - [Click for more info](#)
Last Updated: 2/5/2018 12:00:00 AM

Committees

[Back to top](#)

Member of these committees/boards/panels:
None

Disciplinary History

No Public Disciplinary History

In some cases, discipline search results will not reveal all disciplinary action relating to a Washington licensed legal professional, and may not display links to the official decision documents.

© 2018 Washington State Bar Association, all rights reserved.

myWSBA
My Profile
My Contact Info
My Practice Info
Change Password
Request Password

Legal Directory
Search Legal Directory

MCLE
Access MCLE
MCLE Activities Search

WSBA CLE
Online Store
Seminar Calendar

WSBA Sections
My Section Memberships
Join a Section

WSBA Committees
My Committees

APPENDIX I



WSBA.ORG
Website

CLE ONLINE
Store

MY
Profile

MCLE
Activities Search

LEGAL
Directory

[Login](#)

LEGAL DIRECTORY

[Legal Directory](#) » [Legal Profile](#)

Legal
Directory

Search in:

Legal
Directory

Discipline
Notices

Kathryn A. Russell Selk

License Number: 23879

License Type: Lawyer

Eligible To Practice: Yes

License Status: Active

WSBA Admit Date: 6/21/1994

Contact Member

Contact this member via email.

Disclaimer

Legal Profile disclaimer.

Contact Information

[Back to top](#)

Public/Mailing Address: Russell Selk Law Office
1037 NE 65th St
Seattle, WA 98115-6655
United States

Email: KARSdroit@gmail.com

Phone: (206) 782-3353

Fax: (206) 782-5452

Website:

TDD:

Practice Information Identified by Legal Professional

[Back to top](#)

Firm or Employer: Russell Selk Law Office

Office Type and Size: Solo in Shared Office or Suite

Practice Areas: Appellate, Constitutional, Criminal, Juvenile, Legal
Research and Writing

**Languages Other Than
English:** None Specified

Professional Liability Insurance

[Back to top](#)

Private Practice: Yes

Has Insurance? Yes - [Click for more info](#)

Last Updated: 11/17/2016 12:35:06 PM

Committees

[Back to top](#)

Member of these committees/boards/panels:

None

Disciplinary History

No Public Disciplinary History

In some cases, discipline search results will not reveal all disciplinary action relating to a Washington licensed legal professional, and may not display links to the official decision documents.

© 2018 Washington State Bar Association, all rights reserved.

myWSBA
My Profile
My Contact Info
My Practice Info
Change Password
Request Password

Legal Directory
Search Legal Directory

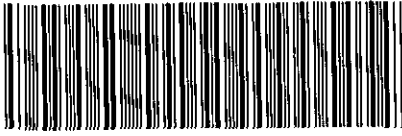
MCLE
Access MCLE
MCLE Activities Search

WSBA CLE
Online Store
Seminar Calendar

WSBA Sections
My Section Memberships
Join a Section

WSBA Committees
My Committees

APPENDIX J



04-1-03028-7 34354017 CPPRP 05-24-10

COURTS OF THE STATE OF WASHINGTON JIM COUNTY CLERK'S OFFICE

DIVISION II

A.M. MAY 24 2010 P.M.

 PIERCE COUNTY, WASHINGTON
 KEVIN STOCK, County Clerk
 BY _____ DEPUTY

In re the
 Personal Restraint Petition of

 STEPHEN DEMETRIUS BOONE,

 Petitioner.

04-1-03028-7

No. 38933-9-II

ORDER DISMISSING PETITION

Stephen Boone seeks relief from personal restraint imposed after his 2005 convictions for first degree murder, four counts of first degree robbery, first degree kidnapping, attempted first degree kidnapping, and second degree unlawful possession of a firearm.¹ He argues that: (1) his trial counsel was ineffective in (a) not allowing him to testify, (b) failing to object to the State's closing argument, and (c) failing to make a motion to sever earlier in the proceedings; (2) the prosecutor engaged in misconduct by (a) making arguments unsupported by the evidence, (b) referring to his post-arrest silence, and (c) arguing that his co-defendant's lack of recall was the result of observers at trial; (3) the trial court erred in denying his motion for mistrial after the State's closing argument; (4) the trial court erred in denying his motion to sever; and (5) his co-defendant has now signed a declaration recanting his prior statements to police and admitting that he, not Boone, committed the crimes.

¹ This court issued its mandate of Boone's direct appeal on March 11, 2008, making his February 27, 2009 petition timely. RCW 10.73.090(3)(b). Boone requested, and received, a number of continuances of the consideration of his petition.

38933-9-II/2

Initially, issues (1)(c), (2)(c) and (4) were addressed and rejected in Boone's direct appeal, No. 34138-7-II. A petitioner cannot raise issues in his personal restraint petition that were raised in his direct appeal unless he shows that the ends of justice would be served by reconsidering the issues. *In re Personal Restraint of Percer*, 150 Wn.2d 41, 48, 75 P.3d 488 (2003). Boone does not make such a showing, so he cannot raise those issues in this petition.

To establish ineffective assistance of counsel, Boone must demonstrate that his counsel's performance fell below an objective standard of reasonableness and that as a result of that deficient performance, the result of his case probably would have been different. *State v. McFarland*, 127 Wn.2d 322, 335-36, 899 P.2d 1251 (1995); *Strickland v. Washington*, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). First, Boone argues that his trial counsel was ineffective because he refused to allow him to testify and because he threatened to withdraw as counsel if Boone testified. But the record demonstrates that the trial court advised Boone of his right to testify and that Boone acknowledged that right in deciding not to testify. Further, the State has submitted a declaration from Boone's trial counsel averring that he advised Boone of his right to testify, although he counseled against testifying, and that he did not threaten to withdraw. Boone does not show ineffective assistance of counsel in this regard. Second, Boone argues that his trial counsel was ineffective in not objecting to the State's argument regarding a witness seeing Boone throw incriminating items out of a car. But that argument was a permissible inference from the evidence. Because the argument was not objectionable, Boone's trial counsel did not perform deficiently in not objecting to it. Boone does not show ineffective assistance of counsel in this regard either.

To establish prosecutorial misconduct, Boone must establish that the prosecutor's arguments were improper and must establish a substantial likelihood that the improper arguments affected the jury's verdicts. *State v. Finch*, 137 Wn.2d 792, 839, 975 P.2d 967 (1999). First, Boone argues that the prosecutor's argument regarding a witness seeing Boone throw incriminating items out of a car's passenger window was not supported by the evidence and so was improper. But as noted above, that argument was a permissible inference from the testimony of a witness placing Boone in the passenger seat of the car and of another witness seeing someone in the passenger seat of the car throwing out the incriminating items. Therefore, the prosecutor's argument was proper and cannot constitute misconduct. Second, Boone argues that the prosecutor's reference to his post-arrest statement to a police officer to "explain it to someone who cares" was an improper comment on his post-arrest silence. But in his direct appeal, this court held that the trial court did not err in admitting that statement into evidence. And once in evidence, the prosecutor could use it in his closing argument. Boone does not demonstrate prosecutorial misconduct.

Boone also argues that the trial court erred in denying his motion for mistrial after closing arguments. But because he does not demonstrate any improper arguments, he does not demonstrate that the trial court erred in denying his motion for mistrial.

Finally, Boone has now submitted a declaration from his co-defendant, DeMarco McGown, in which McGown recants the statements he gave to the police implicating Boone, asserts that he committed the crimes and asserts that Boone was not with him when he committed the crimes. However, recantations are inherently questionable. *State v. Hanson*, 126 Wn. App. 276, 281, 108 P.3d 177 (2005). Boone gives this court no

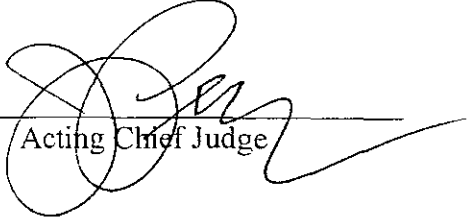
38933-9-II/4

reason to give credence to McGown's declaration made five years after the crimes in question. And given that McGown denied knowing Boone at trial and had no recollection of the days in question, McGown's testimony had no effect on the jury's findings of guilt.

Boone fails to demonstrate grounds for relief from restraint. Accordingly, it is hereby

ORDERED that Boone's petition is dismissed as frivolous under RAP 16.11(b).

DATED this 19th day of May, 2010.



Acting Chief Judge

cc: Stephen D. Boone
Stephen Trinen
Pierce County Clerk
County Cause No. 04-1-03028-7

APPENDIX K

November 15 2011 2:20 PM

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

KEVIN STOCK
COUNTY CLERK

NO: 04-1-03028-7

DIVISION II

In re the
Personal Restraint Petition of

STEPHEN DEMETRIUS BOONE,

Petitioner.

No. 38933-9-II

CERTIFICATE OF FINALITY

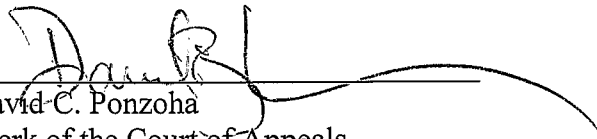
Pierce County
Superior Court No. 04-1-03028-7

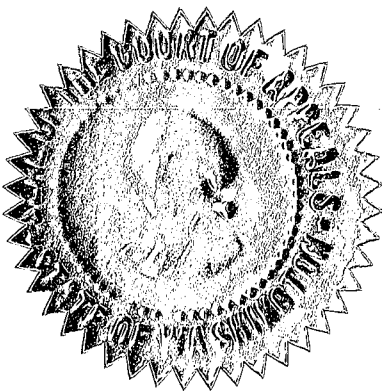
THE STATE OF WASHINGTON TO: The Superior Court of the State of Washington in and
for Pierce County.

This is to certify that the decision of the Court of Appeals of the State of Washington,
Division II, filed on May 19, 2010, became final on February 1, 2011. Costs have been awarded
in the following amount:

Judgment Creditor Respondent State of Washington: \$200
Judgment Debtor Petitioner Stephen Demetrius Boone: \$200

IN TESTIMONY WHEREOF, I have hereunto set my
hand and affixed the seal of said Court at Tacoma, this
15th day of November, 2011.


David C. Ponzoha
Clerk of the Court of Appeals,
State of Washington, Division II



Stephen Demetrius Boone
#889089
Washington State Penitentiary
1313 N. 13th Ave.
Walla Walla, WA, 99362

Stephen D. Trinen
Pierce County Prosecutors Ofc
930 Tacoma Ave S Rm 946
Tacoma, WA, 98402-2102

APPENDIX L

July 14 2015 10:54 AM

KEVIN STOCK
COUNTY CLERK

NO: 04-1-03028-7

Appellate Division
COPY RECEIVED

APR 06 2015

PIERCE COUNTY
PROSECUTING ATTORNEY

THE SUPREME COURT OF WASHINGTON

In re the Personal Restraint of

STEPHEN D. BOONE,

Petitioner.

NO. 88993-7

ORDER
Filed
Washington State Supreme Court

APR - 3 2015
Ronald R. Carpenter
Clerk

Department II of the Court, composed of Chief Justice Madsen and Justices Owens, Stephens, González and Yu, considered the personal restraint petition at its March 3, 2015, Motion Calendar and unanimously determined that the petition would be continued to the Court's April 2, 2015, En Banc Conference. After further consideration of the petition, the Department unanimously agreed to the entry of this order.

Mr. Boone challenges his 932.25 months sentence as unconstitutional under *Miller v. Alabama*, ___ U.S. ___, 132 S. Ct. 2455, 183 L.Ed. 2d 407 (2012) and article I, second 14 of the Washington State Constitution. The State argues that Boone's petition does not meet the requirements of RCW 10.73.100 because at least one of the claims in his petition is time barred. We agree. We recognize that Boone's *Miller* claim may not be time barred and that if we agreed with Boone that the rule in *Miller* applies retroactively, then that claim satisfies the exception to the one-year time bar in RCW 10.73.100(6). But Boone's article I, section 14 claim is not premised on *Miller's* rule. See *In re Personal Restraint of Thomas*, 180 Wn.2d 951, 953, 330 P.3d 158 (2014).

709/166

COSSB

Page 2
Order
88993-7

Accordingly, Department II having now unanimously agreed that the following order be entered,

IT IS ORDERED:

The personal restraint petition is dismissed as mixed.

DATED at Olympia, Washington this 3rd day of April, 2015.

For the Court

Madsen, C.J.
CHIEF JUSTICE

APPENDIX M

Please close file.

Appellate Division
COPY RECEIVED

JUL 01 2015

PIERCE COUNTY
PROSECUTING ATTORNEY

E-FILED
IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

Filed

July 14 2015 10:54 AM

Washington State Supreme Court

KEVIN STOCK

COUNTY CLERK

JUN 29 2015

NO. 04-1-03028-7

Ronald R. Carpenter
Clerk

THE SUPREME COURT OF WASHINGTON

In re the Personal Restraint Petition of

STEPHEN D. BOONE,

Petitioner.

) CERTIFICATE OF FINALITY
)
)
)
)
)

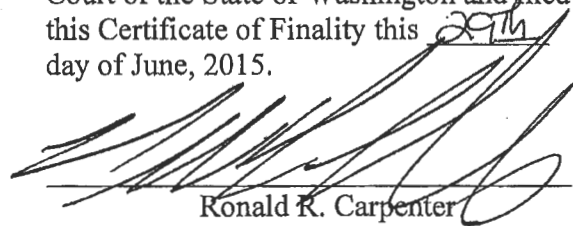
NO. 88993-7

This is to certify that the Order of the Supreme Court, which was filed April 3, 2015, and dismissed the Personal Restraint Petition, is now final.

Pursuant to Rule of Appellate Procedure 14.6(c), costs are taxed as follows: Costs, if any, will be taxed by Supplemental Judgment.

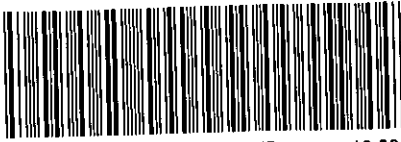


I have affixed the seal of the Supreme Court of the State of Washington and filed this Certificate of Finality this 29th day of June, 2015.


Ronald R. Carpenter
Clerk of the Supreme Court
State of Washington

cc: Kathryn A. Russell Selk
Mark Evans Lindquist
Stephen D. Trinen
Jason Ruyf
Thomas Charles Roberts
Reporter of Decisions

APPENDIX N



04-1-03028-7 24142751 ORIND 12-02-05

ROOM 946
COPY RECEIVED

DEC 02 2005

GERALD A. HORNE
PIERCE COUNTY PROSECUTING ATTORNEYFILED
IN COUNTY CLERK'S OFFICE

A.M. DEC - 2 2005 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY DEPUTYIN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

NO. 04-1-03028-7

vs.

ORDER OF INDIGENCY

STEPHEN D. BOONE,

Defendant.

THIS MATTER having come on regularly before the undersigned judge upon the motion of the defendant for an order authorizing the defendant to seek review at public expense and the Court having considered the records and files herein, now therefore,

IT IS HEREBY ORDERED that the defendant shall be allowed

(x) To appeal from the certain judgment and sentence and every part thereof in the above-entitled cause, entered on November 18, 2005, at public expense -- to include the following:

- 1.) All filing fees;
- 2.) Attorney fees and the cost of preparation of briefs (including copying costs);

////

APPEALS - 1

DLG/APPEALS/BOONE.S

Law Offices of

DARYL L. GRAVES, PLLP

724 Yakima Avenue • Suite 100

Tacoma, Washington 98405 • (253) 383-7777

ORIGINAL

3.) Costs of preparation of the statement of facts which shall contain the verbatim report of the following proceedings, all of which are necessary for review:

☒ Pre-Trial Hearings Date(s) _____

Judge Culpepper

☒ Trial (all proceedings Date(s) _____

except voir dire and Judge Culpepper

opening statements)

☐ Hearing on Post-Trial Date(s) _____

Motions Judge _____

☒ Sentencing Hearing Date(s) 11/18/05

Judge Culpepper

☒ Other

Any other portions of the record that is deemed necessary by appellate counsel

4.) Cost of a copy of the above record for the joint use of defendant's counsel and the prosecuting attorney; and

5.) Costs of the preparation of necessary clerk's papers.

1 **IT IS FURTHER ORDERED** that counsel on appeal, or his/her representative, is
 2 authorized to remove the clerk's file from the Clerk's Office for the purpose of reproducing
 3 clerk's papers and designating the record for review.

4 **AND IT IS FURTHER ORDERED** that trial counsel is allowed to withdraw and that
 5 counsel on appeal be appointed by the Court of Appeals pursuant to RAP 15.2. Payment for
 6 expenses of this appointment is authorized under contract with the Office of Public Defense.

7 Co-defendants, if any, are listed below:

8 Case Name

Cause Number

9 N/A

N/A

10
 11 **DONE IN OPEN COURT** this 2nd day of December, 2005.

12
 13 JUDGE

14 Presented by:

15
 16 DARYL L. GRAVES, WSBA# 7561
 17 Attorney for the Defendant

18
 19 **FILED**
IN COUNTY CLERK'S OFFICE

A.M. DEC - 2 2005 P.M.

PIERCE COUNTY, WASHINGTON
 KEVIN STOCK, County Clerk
 BY [Signature] DEPUTY

FILED IN COUNTY CLERK'S OFFICE ROOM 946
COPY RECEIVED

AM. DEC - 2 2005 P.M. DEC 02 2005

PIERCE COUNTY, WASHINGTON GERALD A. HORNE
KEVIN STOCK, County CLERK PIERCE COUNTY PROSECUTING ATTORNEY
BY _____ DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 04-1-03028-7

vs.

JUDGMENT AND SENTENCE (JS)

STEPHEN DEMETRIUS BOONE,

Defendant.

☒ Prison
☐ Jail One Year or Less
☐ First-Time Offender
☐ SSOSA
☐ DOSA
☐ Breaking The Cycle (BTC)

SID: WA20404092

DOB: 05/12/88

I. HEARING

- 1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on 09/28/05
by ☐ plea ☒ jury-verdict ☐ bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	MURDER IN THE FIRST DEGREE, D3	9A.32.030(1)(c) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/13/04	TPD 041640033 TPD 041650692 TPD 041650695
II	ROBBERY IN THE FIRST DEGREE, AAA1	9A.56.190 9A.56.200(1)(a)(i) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/13/04	TPD 041640033 TPD 041650692 TPD 041650695

04-1-03028-7

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
III	ROBBERY IN THE FIRST DEGREE, AAA1	9A.56.190 9A.56.200(1)(a)(i) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
IV	ATTEMPTED KIDNAPPING IN THE FIRST DEGREE, F2-A	9A.40.020(1)(b) 9A.28.020 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
V	ROBBERY IN THE FIRST DEGREE, AAA1	9A.56.190 9A.56.200(1)(a)(i) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
VI	ROBBERY IN THE FIRST DEGREE, AAA1	9A.56.190 9A.56.200(1)(a)(i) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
VII	KIDNAPPING IN THE FIRST DEGREE, F2	9A.40.020(1)(b) 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
VIII	ATTEMPTED ROBBERY IN THE FIRST DEGREE, AAA1-A	9A.56.190 9A.56.200(1)(a)(i) 9A.28.020 9.41.010 9.94A.310 9.94A.510 9.94A.370 9.94A.530	FASE	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695
IX	UNLAWFUL POSSESSION OF A FIREARM IN THE SECOND DEGREE, GGG70	9.41.040(1)(b)	NA	06/12/04- 06/15/04	TPD 041640033 TPD 041650692 TPD 041650695

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present.

as charged in the Original Information.

03/05/2018
THDECKERT

Department of Corrections
WASHINGTON STATE PENITENTIARY

PAGE: 01 OF 01
OIRPLRAR
10.2.1.18

PLRA IN FORMA PAUPERIS STATUS REPORT
FOR DEFINED PERIOD : 08/31/2017 TO 02/28/2018

DOC# : 0000889089

NAME : BOONE STEPHEN

ADMIT DATE : 11/29/2005

DOB : 05/12/1988

ADMIT TIME : 10:40

**AVERAGE
MONTHLY RECEIPTS**

91.67

**20% OF
RECEIPTS**

18.33

**AVERAGE
SPENDABLE BALANCE**

23.92

**20% OF
SPENDABLE**

4.78

04-1-03028-7

4.10 OTHER:

4.11 BOND IS HEREBY EXONERATED

4.12 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

<u>411</u> Months on Count	<u>I</u>	<u>129</u> months on Count	<u>VI</u>
<u>129</u> Months on Count	<u>II</u>	<u>51</u> months on Count	<u>VII</u>
<u>129</u> Months on Count	<u>III</u>	<u>96.75</u> months on Count	<u>VIII</u>
<u>38.25</u> Months on Count	<u>IV</u>	<u>33</u> months on Count	<u>IX</u>
<u>129</u> Months on Count	<u>V</u>		

A special finding/verdict having been entered as indicated in Section 2.1, the defendant is sentenced to the following additional term of total confinement in the custody of the Department of Corrections:

<u>60</u> Months on Count No	<u>I</u>	<u>60</u> months on Count No	<u>V</u>
<u>60</u> Months on Count No	<u>II</u>	<u>60</u> months on Count No	<u>VI</u>
<u>60</u> Months on Count No	<u>III</u>	<u>60</u> months on Count No	<u>VII</u>
<u>36</u> Months on Count No	<u>IV</u>	<u>36</u> months on Count No	<u>VIII</u>

Sentence enhancements in Counts _ shall run

☐ concurrent ☒ consecutive to each other.

Sentence enhancements in Counts _ shall be served

☒ flat time ☐ subject to earned good time credit

Actual number of months of total confinement ordered is: 500.25 + 432 = 932.25 months

THDECKERT

WASHINGTON STATE PENITENTIARY

OTRTASTA

T R U S T A C C O U N T S T A T E M E N T

10.2.1.3

DOC#: 0000889089 Name: BOONE, STEPHEN D

DOB: 05/12/1988

LOCATION: E01-220-GW2132

ACCOUNT BALANCES Total: 76.74 CURRENT: 46.74 HOLD: 30.00

02/03/2018 03/03/2018

SUB ACCOUNT	START BALANCE	END BALANCE
SPENDABLE BAL	1.85	3.16
SAVINGS BALANCE	0.00	0.00
WORK RELEASE SAVINGS	0.00	0.00
EDUCATION ACCOUNT	25.00	25.00
MEDICAL ACCOUNT	0.00	0.00
POSTAGE ACCOUNT	0.00	18.58
COMM SERV REV FUND ACCOUNT	0.00	0.00

DEBTS AND OBLIGATIONS

TYPE	PAYABLE	INFO NUMBER	AMOUNT OWING	AMOUNT PAID	WRITE OFF AMT.
DEND	DENTAL COPAY DEBT	06042014	0.00	3.08	0.00
MEDD	MEDICAL COPAY DEBT	12202006	0.00	27.88	0.00
MEDD	MEDICAL COPAY DEBT	06052006	0.00	3.00	0.00
LMD	LEGAL MAIL DEBT - SPENDABLE SUBACCT	06142010	0.00	1.73	0.00
SPHD	STORES PERSONAL HYGIENE DEBT	09072006	0.00	6.99	0.00
DEND	DENTAL COPAY DEBT	07132009	0.00	8.01	0.00
HYGA	INMATE STORE DEBT	05262006	0.00	16.97	0.00
LFO	LEGAL FINANCIAL OBLIGATIONS	20051220	UNLIMITED	923.28	0.00
COIS	COST OF INCARCERATION /07112000	11292005	UNLIMITED	1021.85	0.00
COI	COST OF INCARCERATION	11292005	UNLIMITED	0.00	0.00
CVCS	CRIME VICTIM COMPENSATION/07112000	11292005	UNLIMITED	255.89	0.00
COPD	COPY COSTS DEBT	10212009	0.00	2.90	0.00
POSD	POSTAGE DEBT	09072006	0.00	23.25	0.00
TVD	TV CABLE FEE DEBT	09092006	0.00	11.61	0.00
HYGA	INMATE STORE DEBT	02152013	0.00	0.90	0.00
TVD	TV CABLE FEE DEBT	06082013	0.00	2.55	0.00
MEDD	MEDICAL COPAY DEBT	09172013	0.00	9.11	0.00
TVRTD	TV RENTAL FEE DEBT	02152013	0.00	4.25	0.00
EL	ESCORTED LEAVE	09-2011	UNLIMITED	0.00	0.00
CVC	CRIME VICTIM COMPENSATION	11292005	UNLIMITED	195.49	0.00
HYGA	INMATE STORE DEBT	09122006	0.00	17.90	0.00

TRANSACTION DESCRIPTIONS --

SPENDABLE BAL SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
02/09/2018	C3_TXN	GPINTERF: Class III Gratuity, TXN_DATE 02/09/2018, NET_AMOUNT 5500	55.00	56.85
02/09/2018	DED	Deductions-CVC-11292005 D D	(2.75)	54.10

THDECKERT

WASHINGTON STATE PENITENTIARY

OTRTASTA

T R U S T A C C O U N T S T A T E M E N T

10.2.1.3

DOC#: 0000889089 Name: BOONE, STEPHEN D

DOB: 05/12/1988

LOCATION: E01-220-GW2132

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
02/10/2018	TV	I05 - TV CABLE FEE	(0.50)	53.60
02/14/2018	J1_TXN	JPINTERF: JPAY deposit spendable, TXN_TRACE 82092585, TXN_DATE 02/14/2	150.00	203.60
02/14/2018	DED	Deductions-LFO-20051220 D D	(30.00)	173.60
02/14/2018	DED	Deductions-CVCS-11292005 D D	(7.50)	166.10
02/14/2018	DED	Deductions-COIS-11292005 D D	(30.00)	136.10
02/20/2018	CRS	CRS SAL ORD #9827382	(90.84)	45.26
02/21/2018	CLB	SPL FOOD SALE FEB 18 GOLF	(27.00)	18.26
02/27/2018	JPAY	JPAY MEDIA ACCT WITHDRAWAL	(5.00)	13.26
03/01/2018	CRS	CRS SAL ORD #9845048	(10.10)	3.16

TRANSACTION DESCRIPTIONS --

SAVINGS BALANCE SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

WORK RELEASE SUB-ACCOUNT
SAVINGS

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

EDUCATION ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

MEDICAL ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

POSTAGE ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

02/21/2018	J6_TXN	JPINTERF: JPAY deposit postage, TXN_TRACE 82361038, TXN_DATE 02/21/201	50.00	50.00
------------	--------	--	-------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(1.21)	48.79
------------	-------	--------------------------	---------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(1.21)	47.58
------------	-------	--------------------------	---------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(3.50)	44.08
------------	-------	--------------------------	---------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(3.50)	40.58
------------	-------	--------------------------	---------	-------

03/01/2018	SAPOS	SAPOS SAL ORD #9845047	(22.00)	18.58
------------	-------	------------------------	----------	-------

TRANSACTION DESCRIPTIONS --

COMM SERV REV SUB-ACCOUNT
FUND ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

04-1-03028-7

[X] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589), (Counts III and IV, and Counts VII and VIII).

[] Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	FORGERY	09/12/01	PIERCE CTY/WA	07/25/01	JUV	NV
2	UPOF 2	10/14/02	PIERCE CTY/WA	09/12/02	JUV	NV
3	THEFT 3	12/03/01	PIERCE CTY/WA	09/27/01	JUV	MISD
4	OBSTRUCT LAW ENFORCEMENT OFFICER, UPFGLM	02/07/02	PIERCE CTY/WA	01/21/02	JUV	MISD
5	OBSTRUCT	10/14/02	PIERCE CTY/WA	08/07/02	JUV	MISD
6	OBSTRUCT	05/27/04	PIERCE CTY/WA	03/29/04	JUV	MISD

[] The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

[] The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	9+	XV	411-548 MONTHS	60 MONTHS	471-608 MONTHS	LIFE/ \$50,000
II	9+	IX	129-171 MONTHS	60 MONTHS	189-231 MONTHS	LIFE/ \$50,000
III	9+	IX	129-171 MONTHS	60 MONTHS	189-231 MONTHS	LIFE/ \$50,000
IV	0	X (75)	38.25-51 MONTHS	36 MONTHS	74.25-87 MONTHS	10YRS/ \$20,000
V	9+	IX	129-171 MONTHS	60 MONTHS	189-231 MONTHS	LIFE/ \$50,000
VI	9+	IX	129-171 MONTHS	60 MONTHS	189-231 MONTHS	LIFE/ \$50,000
VII	0	X	51-68 MONTHS	60 MONTHS	111-128 MONTHS	10YRS/ \$20,000
VIII	9+	IX (75)	96.75-128.25 MONTHS	36 MONTHS	132.75-164.75 MONTHS	10YRS/ \$20,000
IX	7	III	33-43 MONTHS	- 0 -	33-43 MONTHS	5YRS/ \$10,000

04-1-03028-7

2.4 ☐ **EXCEPTIONAL SENTENCE.** Substantial and compelling reasons exist which justify an exceptional sentence ☐ above ☐ below the standard range for Count(s) _____. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 **LEGAL FINANCIAL OBLIGATIONS.** The judgment shall upon entry be collectable by civil means, subject to applicable exemptions set forth in Title 6, RCW, Chapter 379, Section 22, Laws of 2003.

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

☐ The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are ☐ attached ☐ as follows: **NO AGREEMENT**

III. JUDGMENT

3.1 The defendant is **GUILTY** of the Counts and Charges listed in Paragraph 2.1.

3.2 ☐ The court **DISMISSES** Counts _____ ☐ The defendant is found **NOT GUILTY** of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

LAWS CODE

RIN/RJN	\$ _____	Restitution to: <u>See attached order/worksheet</u>
	\$ _____	Restitution to: _____
	(Name and Address—address may be withheld and provided confidentially to Clerk's Office).	
PCV	\$ <u>500.00</u>	Crime Victim assessment
DNA	\$ <u>100.00</u>	DNA Database Fee
PUB	\$ <u>7500.00</u>	Court Appointed Attorney Fees and Defense Costs (CT. NOT IMPOSING)
FRC	\$ <u>110</u>	Criminal Filing Fee
FCM	\$ _____	Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 710 **TOTAL**

04-1-03028-7

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$_____ per month commencing _____. RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

4.2 RESTITUTION

[] The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☒ shall be set by the prosecutor.

[] is scheduled for _____

☒ defendant waives any right to be present at any restitution hearing (defendant's initials): AB

[] RESTITUTION. Order Attached

4.3 COSTS OF INCARCERATION

[] In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

4.4 COLLECTION COSTS

The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

4.5 INTEREST

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

4.6 COSTS ON APPEAL

An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.

4.7 [] HIV TESTING

The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.8 [X] DNA TESTING

The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

4.9 NO CONTACT

The defendant shall not have contact with Yong Yi, Ericka Dillman and Jin H. Kim, including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE years (not to exceed the maximum statutory sentence).

[] Domestic Violence Protection Order or Antiharassment Order is filed with this Judgment and Sentence.

04-1-03028-7

(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: I, IV, and VII

The sentence herein shall run consecutively to all felony sentences in other cause numbers prior to the commission of the crime(s) being sentenced.

Confinement shall commence immediately unless otherwise set forth here:

(b) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: Credit for time served from 06/17/04.

4.13 [] **COMMUNITY PLACEMENT** (pre 7/1/00 offenses) is ordered as follows:

Count _____ for _____ months,

04-1-03028-7

[] COMMUNITY CUSTODY is ordered as follows:

Count	<u>I</u>	for a range from:	<u>24</u>	to	<u>48</u>	Months
Count	<u>II</u>	for a range from:	<u>18</u>	to	<u>36</u>	Months
Count	<u>III</u>	for a range from:	<u>18</u>	to	<u>36</u>	Months
Count	<u>IV</u>	for a range from:	<u>24</u>	to	<u>48</u>	Months
Count	<u>V</u>	for a range from:	<u>18</u>	to	<u>36</u>	Months
Count	<u>VI</u>	for a range from:	<u>18</u>	to	<u>36</u>	Months
Count	<u>VII</u>	for a range from:	<u>24</u>	to	<u>48</u>	Months
Count	<u>VIII</u>	for a range from:	<u>18</u>	to	<u>36</u>	Months
Count	<u>IX</u>	for a range from:	<u>Ø</u>	to	<u>Ø</u>	Months

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A for community placement offenses -- serious violent offense, second degree assault, any crime against a person with a deadly weapon finding, Chapter 69.50 or 69.52 RCW offense. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community service; (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

[] The defendant shall not consume any alcohol.

☒ Defendant shall have no contact with: Jin Kim, Yong Yi, Frida Dillman or their family
from now

[] Defendant shall remain [] within [] outside of a specified geographical boundary, to wit:

[] The defendant shall participate in the following crime-related treatment or counseling services:

[] The defendant shall undergo an evaluation for treatment for [] domestic violence [] substance abuse [] mental health [] anger management and fully comply with all recommended treatment.

[] The defendant shall comply with the following crime-related prohibitions:

04-1-03028-7

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- ☐ sex offense
☐ serious violent offense
☐ assault in the second degree
☒ any crime where the defendant or an accomplice was armed with a deadly weapon
☐ any felony under 69.50 and 69.52 committed after July 1, 1988 is also sentenced to one (1) year term of community placement on these conditions:

The offender shall report to and be available for contact with the assigned community corrections officer as directed;

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC;

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

_____ (I) The offender shall remain within, or outside of, a specified geographical boundary: _____

_____ (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: _____

_____ (III) The offender shall participate in crime-related treatment or counseling services;

_____ (IV) The offender shall not consume alcohol; _____

_____ (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections, or

_____ (VI) The offender shall comply with any crime-related prohibitions.

_____ (VII) Other: _____

APPENDIX O

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint	)	No. _____
Of)	
STEPHEN BOONE	)	PETITIONER'S
	)	STATEMENT
	)	OF FINANCES
<u>Petitioner.</u>)	

I, STEPHEN BOONE, hereby declare the following:

1. I am asking the court to file this without making me pay the filing fee for the Personal Restraint Petition, and all fees and costs associated with that PRP, because I am so poor to pay those costs and fees.

(46.74)

2. I have \$_____ in my prison or institution account.
I HAVE ATTACHED A CURRENT STATEMENT OF THIS ACCOUNT, REFLECTING THE STATUS OF THE ACCOUNT WITHIN THE PAST 45 DAYS.

3. I am X am not _____ employed. My salary or wages amount to \$ 55.00 a month. My employer is Department of Correction. Name and address of employer, if any: Washington State Pen,
1313 N 15th Ave Walla Walla, Wa 99362

4. During the past 12 months I did _____ did not ☒ get any money from a business, profession or other form of self-employment. (If I did, it was _____ (Type of employment) and the total income I received was \$ _____)

5. During the past 12 months I:

Did _____ Did Not ☒ Receive any rent payments. If so, the total I received was \$ _____

Did _____ Did Not ☒ Receive any interest. If so, the total I received was \$ _____

Did _____ Did Not ☒ Receive any dividends. If so, the total I received was \$ _____

Did ~~Did~~ Did Not ☒ Receive any other money. If so the total I received was \$ ~~_____~~

I ALSO DECLARE THAT I:

Do _____ Do Not ☒ Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ _____

Do _____ Do Not ☒ Have any savings or checking accounts. If so, the total amount in all accounts is \$ _____

Do _____ Do Not ☒ Own stocks, bonds or notes. If so, their total value is: \$ _____.

6. I do ____ do not ☒ own any real estate or other property or things of value (which belong to you or in which you have an interest). Tell what each item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items

Value

7. I am ____ am not ☒ married. If I am married, my wife or husband's name and address is:

- 8.. All of the persons who need me to support them are listed below (NAME, ADDRESS, AGE, RELATIONSHIP):

N/A

9. All the bills I owe are listed here: INCLUDE ALL LEGAL FINANCIAL OBLIGATIONS, RESTITUTION, ETC.

Name & Address of Creditor

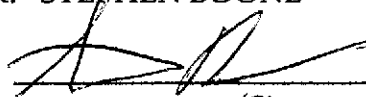
Amount

OATH OF PETITIONER

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing information is true and correct to the best of my knowledge.

SIGNED THIS ~~March~~ 5th day of ~~March~~ March, 2018.

PETITIONER: STEPHEN BOONE



(Signature Here)

SIGNED AT: Washington State Penitentiary
(LOCATION)



Washington State Department of Corrections
Food Service Worker
Unit Golf

Inmate Name: Boone, Stephen	Inmate DOC Number: 889089
Hours per day: 6	Days Per Week: 5
Work Hours: 1045-1345; 1600-1900	Pay: \$.42 an hour
Date Assigned: 8/18/17	Date Unassigned: / /

Maximum Hours per month: Unlimited (excess of 131 hours will not be compensated)

Job Duties:

1. Push carts from Hub Kitchen to Unit, and push carts back to Hub
2. Prepare and serve food for breakfast, lunch, and dinner.
3. Take trays through pantry window when meal is completed.
4. Keep food waste in one barrel, separate from other waste.
5. Clean up the pantry after meals.
6. Wash trays.
7. Perform any unspecified duties when instructed to do so by unit staff, to fulfill unit needs.

WORK:

1. You may be required to work on your day off if we are short workers for any reason.
2. You may be required to work in a different position then you are regularly assigned to on any given day.
3. Do not hand out extra food to anyone.
4. Do not keep any food in the pantry; return all excess food to the Hub Kitchen.
5. Personal items, books, papers, hats, etc. will not be allowed in the Unit Kitchen.
6. All work areas will be inspected by a staff prior to leaving the kitchen at the end of your shift. Only then, will you be released from your duties.
7. If you are assigned inside the Unit Kitchen, you will not put your head down to the serving window and talk to inmates going through serving line.
8. Use the bathroom facilities prior to the meal.

ATTIRE:

1. All workers will wear a kitchen frock at all times. Disposable gloves will be used for serving the meal.
2. No layering of clothing will be allowed.
3. All inmates must wear their state issued identification card at all times.
4. Frocks issued for duties performed in the unit kitchen will remain in the unit kitchen.
5. No shorts or sweats or shower shoes will be allowed.

HAIR AND BEARD RESTRAINTS:

1. All workers are required to wear a hair net at all times in the pantry.
2. Inmates with facial hair longer than ¼ inch are required to wear a beard net at all times in the kitchen and dining area.
3. Long hair must be braided or banded.

UTENSILS:

1. Utensils checked out by a staff and given to an inmate to use, are the responsibility of the inmate to return it to the designated supervisor or staff member.
2. No inmates will exit the kitchen until all utensils are accounted for.
3. Inmates are required to report any lost, cracked, altered, or damaged utensils to the area supervisor or immediately. Failure to do so will result in an infraction and un-assignment.
4. All left-over food, empty milk crates, cup racks will be sent back to the WC kitchen after each meal.

Eating:

1. There will be no eating in the kitchen pantry until the last offender has gone through the line.
2. Only food allotted for the meal time worked will be allowed to be taken back to your cell.

UNASSIGNMENT:

You may be unassigned for the following reasons: Poor performance, sub-standard work, theft of food, unexcused absence, inappropriate behavior, or violation of program rules.

I, Boone # 889089, verify I have read and understand the above rules on this date 22 JAN 2017



OFFENDER UNIFORM BASIC SAFETY

All offenders will be required to read and sign the below listed safety regulations. In the event the offender cannot read, these regulations will be read and explained to her/him and this fact indicated in the signature area. If for any reason an offender refuses to sign, this fact will also be noted on the bottom portion of this form.

1. Every effort will be made to provide a safe working environment area for each offender worker and to provide the appropriate safety equipment for each individual.
2. It is the responsibility of each offender worker to use the safety equipment issued to protect against physical injury. Safety Glasses and/or goggles, safety shoes, aprons, arm guards, hard hats, and respirators should be secured prior to beginning an operation.
3. Safety goggles must be worn when performing any grinding, chiseling, filing, chipping, or buffing.
4. Hearing protection must be worn on all workstations designated as high noise level areas.
5. All safety hazards must be reported immediately to work crew supervisors.
6. Offender workers will perform only work that has been assigned to them. Operating machines or equipment or performing any operation that has not been specifically assigned is strictly prohibited.
7. Operating equipment without using the safety guard(s) provided or removal of the safety guard(s) is prohibited.
8. During the operation of any machinery, adjustments and repairs shall not be conducted. The machinery shall be locked first, using the lock-out devices when possible.
9. Standing up in moving vehicles shall be prohibited. Seating provided in vehicles shall be used. Only when the vehicle has completely stopped, will dismounting be allowed.
10. The operator is the only person authorized to ride on a tractor, forklift, or tow vehicle.
11. Offenders who are injured while performing their assigned duties will immediately report such injury to their crew supervisor.
12. It is the responsibility of each offender worker to exercise care, cooperation, and common sense in conducting her/his assigned work. Horseplay on the job will not be tolerated.

I have read and understand the above safety regulations. It is also my understanding that failure to abide by these rules may result in disciplinary action.

Offender Name (Please Print) <u>Stephen Boone</u>	Number <u>989009</u>
--	-------------------------

[Signature] 22 Sept 2017
Offender Signature Date

Offender refused to sign _____

CM #17564 Moreno 9/22/17
Signature of Staff Witness Date

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

APPENDIX P

03/05/2018
THDECKERT

Department of Corrections
WASHINGTON STATE PENITENTIARY

PAGE: 01 OF 01
OIRPLRAR
10.2.1.18

PLRA IN FORMA PAUPERIS STATUS REPORT
FOR DEFINED PERIOD : 08/31/2017 TO 02/28/2018

DOC# : 0000889089

NAME : BOONE STEPHEN

ADMIT DATE : 11/29/2005

DOB : 05/12/1988

ADMIT TIME : 10:40

**AVERAGE
MONTHLY RECEIPTS**

91.67

**20% OF
RECEIPTS**

18.33

**AVERAGE
SPENDABLE BALANCE**

23.92

**20% OF
SPENDABLE**

4.78

THDECKERT

WASHINGTON STATE PENITENTIARY

OTRTASTA

T R U S T A C C O U N T S T A T E M E N T

10.2.1.3

DOC#: 0000889089 Name: BOONE, STEPHEN D

DOB: 05/12/1988

LOCATION: E01-220-GW2132

ACCOUNT BALANCES Total: 76.74 CURRENT: 46.74 HOLD: 30.00

02/03/2018 03/03/2018

SUB ACCOUNT	START BALANCE	END BALANCE
SPENDABLE BAL	1.85	3.16
SAVINGS BALANCE	0.00	0.00
WORK RELEASE SAVINGS	0.00	0.00
EDUCATION ACCOUNT	25.00	25.00
MEDICAL ACCOUNT	0.00	0.00
POSTAGE ACCOUNT	0.00	18.58
COMM SERV REV FUND ACCOUNT	0.00	0.00

DEBTS AND OBLIGATIONS

TYPE	PAYABLE	INFO NUMBER	AMOUNT OWING	AMOUNT PAID	WRITE OFF AMT.
DEND	DENTAL COPAY DEBT	06042014	0.00	3.08	0.00
MEDD	MEDICAL COPAY DEBT	12202006	0.00	27.88	0.00
MEDD	MEDICAL COPAY DEBT	06052006	0.00	3.00	0.00
LMD	LEGAL MAIL DEBT - SPENDABLE SUBACCT	06142010	0.00	1.73	0.00
SPHD	STORES PERSONAL HYGIENE DEBT	09072006	0.00	6.99	0.00
DEND	DENTAL COPAY DEBT	07132009	0.00	8.01	0.00
HYGA	INMATE STORE DEBT	05262006	0.00	16.97	0.00
LFO	LEGAL FINANCIAL OBLIGATIONS	20051220	UNLIMITED	923.28	0.00
COIS	COST OF INCARCERATION /07112000	11292005	UNLIMITED	1021.85	0.00
COI	COST OF INCARCERATION	11292005	UNLIMITED	0.00	0.00
CVCS	CRIME VICTIM COMPENSATION/07112000	11292005	UNLIMITED	255.89	0.00
COPD	COPY COSTS DEBT	10212009	0.00	2.90	0.00
POSD	POSTAGE DEBT	09072006	0.00	23.25	0.00
TVD	TV CABLE FEE DEBT	09092006	0.00	11.61	0.00
HYGA	INMATE STORE DEBT	02152013	0.00	0.90	0.00
TVD	TV CABLE FEE DEBT	06082013	0.00	2.55	0.00
MEDD	MEDICAL COPAY DEBT	09172013	0.00	9.11	0.00
TVRTD	TV RENTAL FEE DEBT	02152013	0.00	4.25	0.00
EL	ESCORTED LEAVE	09-2011	UNLIMITED	0.00	0.00
CVC	CRIME VICTIM COMPENSATION	11292005	UNLIMITED	195.49	0.00
HYGA	INMATE STORE DEBT	09122006	0.00	17.90	0.00

TRANSACTION DESCRIPTIONS --

SPENDABLE BAL SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
02/09/2018	C3_TXN	GPINTERF: Class III Gratuity, TXN_DATE 02/09/2018, NET_AMOUNT 5500	55.00	56.85
02/09/2018	DED	Deductions-CVC-11292005 D D	(2.75)	54.10

THDECKERT

WASHINGTON STATE PENITENTIARY

OTRTASTA

T R U S T A C C O U N T S T A T E M E N T

10.2.1.3

DOC#: 0000889089 Name: BOONE, STEPHEN D

DOB: 05/12/1988

LOCATION: E01-220-GW2132

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
02/10/2018	TV	I05 - TV CABLE FEE	(0.50)	53.60
02/14/2018	J1_TXN	JPINTERF: JPAY deposit spendable, TXN_TRACE 82092585, TXN_DATE 02/14/2	150.00	203.60
02/14/2018	DED	Deductions-LFO-20051220 D D	(30.00)	173.60
02/14/2018	DED	Deductions-CVCS-11292005 D D	(7.50)	166.10
02/14/2018	DED	Deductions-COIS-11292005 D D	(30.00)	136.10
02/20/2018	CRS	CRS SAL ORD #9827382	(90.84)	45.26
02/21/2018	CLB	SPL FOOD SALE FEB 18 GOLF	(27.00)	18.26
02/27/2018	JPAY	JPAY MEDIA ACCT WITHDRAWAL	(5.00)	13.26
03/01/2018	CRS	CRS SAL ORD #9845048	(10.10)	3.16

TRANSACTION DESCRIPTIONS --

SAVINGS BALANCE SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

WORK RELEASE SUB-ACCOUNT
SAVINGS

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

EDUCATION ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

MEDICAL ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

POSTAGE ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

02/21/2018	J6_TXN	JPINTERF: JPAY deposit postage, TXN_TRACE 82361038, TXN_DATE 02/21/201	50.00	50.00
------------	--------	--	-------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(1.21)	48.79
------------	-------	--------------------------	---------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(1.21)	47.58
------------	-------	--------------------------	---------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(3.50)	44.08
------------	-------	--------------------------	---------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(3.50)	40.58
------------	-------	--------------------------	---------	-------

03/01/2018	SAPOS	SAPOS SAL ORD #9845047	(22.00)	18.58
------------	-------	------------------------	----------	-------

TRANSACTION DESCRIPTIONS --

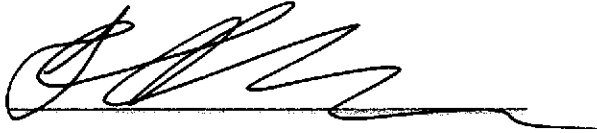
COMM SERV REV SUB-ACCOUNT
FUND ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

Declaration of Counsel: I hereby declare under penalty of perjury under the laws of the State of Washington that I attached hereto final copies of Appendix O and Appendix P this date. No other changes were made to the document.

Dated this 13th day of March, 2018.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'K. Russell Selk', written over a horizontal line.

Kathryn A. Russell Selk
WSBA No. 23879
RUSSELL SELK LAW OFFICE
1037 N.E. 65th St. #176
Seattle, WA. 98115
(206) 782-3353

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint	)	No. _____
Of)	
STEPHEN BOONE	)	PETITIONER'S
	)	STATEMENT
	)	OF FINANCES
<u>Petitioner.</u>)	

I, STEPHEN BOONE, hereby declare the following:

1. I am asking the court to file this without making me pay the filing fee for the Personal Restraint Petition, and all fees and costs associated with that PRP, because I am so poor to pay those costs and fees.

(46.74)

2. I have \$_____ in my prison or institution account.
I HAVE ATTACHED A CURRENT STATEMENT OF THIS ACCOUNT, REFLECTING THE STATUS OF THE ACCOUNT WITHIN THE PAST 45 DAYS.

3. I am X am not _____ employed. My salary or wages amount to \$ 55.00 a month. My employer is Department of Correction. Name and address of employer, if any: Washington State Pen,
1313 N 15th Ave Walla Walla, Wa 99362

4. During the past 12 months I did _____ did not ☒ get any money from a business, profession or other form of self-employment. (If I did, it was _____ (Type of employment) and the total income I received was \$ _____)

5. During the past 12 months I:

Did _____ Did Not ☒ Receive any rent payments. If so, the total I received was \$ _____

Did _____ Did Not ☒ Receive any interest. If so, the total I received was \$ _____

Did _____ Did Not ☒ Receive any dividends. If so, the total I received was \$ _____

Did ~~Did~~ Did Not ☒ Receive any other money. If so the total I received was \$ ~~_____~~

I ALSO DECLARE THAT I:

Do _____ Do Not ☒ Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ _____

Do _____ Do Not ☒ Have any savings or checking accounts. If so, the total amount in all accounts is \$ _____

Do _____ Do Not ☒ Own stocks, bonds or notes. If so, their total value is: \$ _____.

6. I do ____ do not ☒ own any real estate or other property or things of value (which belong to you or in which you have an interest). Tell what each item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items

Value

7. I am ____ am not ☒ married. If I am married, my wife or husband's name and address is:

- 8.. All of the persons who need me to support them are listed below (NAME, ADDRESS, AGE, RELATIONSHIP):

N/A

9. All the bills I owe are listed here: INCLUDE ALL LEGAL FINANCIAL OBLIGATIONS, RESTITUTION, ETC.

Name & Address of Creditor

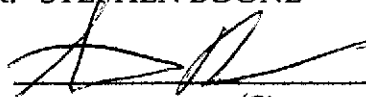
Amount

OATH OF PETITIONER

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing information is true and correct to the best of my knowledge.

SIGNED THIS ~~March~~ 5th day of ~~March~~ March, 2018.

PETITIONER: STEPHEN BOONE



(Signature Here)

SIGNED AT: Washington State Penitentiary
(LOCATION)

03/05/2018
THDECKERT

Department of Corrections
WASHINGTON STATE PENITENTIARY

PAGE: 01 OF 01
OIRPLRAR
10.2.1.18

PLRA IN FORMA PAUPERIS STATUS REPORT
FOR DEFINED PERIOD : 08/31/2017 TO 02/28/2018

DOC# : 0000889089

NAME : BOONE STEPHEN

ADMIT DATE : 11/29/2005

DOB : 05/12/1988

ADMIT TIME : 10:40

**AVERAGE
MONTHLY RECEIPTS**

91.67

**20% OF
RECEIPTS**

18.33

**AVERAGE
SPENDABLE BALANCE**

23.92

**20% OF
SPENDABLE**

4.78

THDECKERT

WASHINGTON STATE PENITENTIARY

OTRTASTA

T R U S T A C C O U N T S T A T E M E N T

10.2.1.3

DOC#: 0000889089 Name: BOONE, STEPHEN D

DOB: 05/12/1988

LOCATION: E01-220-GW2132

ACCOUNT BALANCES Total: 76.74 CURRENT: 46.74 HOLD: 30.00

02/03/2018 03/03/2018

SUB ACCOUNT	START BALANCE	END BALANCE
SPENDABLE BAL	1.85	3.16
SAVINGS BALANCE	0.00	0.00
WORK RELEASE SAVINGS	0.00	0.00
EDUCATION ACCOUNT	25.00	25.00
MEDICAL ACCOUNT	0.00	0.00
POSTAGE ACCOUNT	0.00	18.58
COMM SERV REV FUND ACCOUNT	0.00	0.00

DEBTS AND OBLIGATIONS

TYPE	PAYABLE	INFO NUMBER	AMOUNT OWING	AMOUNT PAID	WRITE OFF AMT.
DEND	DENTAL COPAY DEBT	06042014	0.00	3.08	0.00
MEDD	MEDICAL COPAY DEBT	12202006	0.00	27.88	0.00
MEDD	MEDICAL COPAY DEBT	06052006	0.00	3.00	0.00
LMD	LEGAL MAIL DEBT - SPENDABLE SUBACCT	06142010	0.00	1.73	0.00
SPHD	STORES PERSONAL HYGIENE DEBT	09072006	0.00	6.99	0.00
DEND	DENTAL COPAY DEBT	07132009	0.00	8.01	0.00
HYGA	INMATE STORE DEBT	05262006	0.00	16.97	0.00
LFO	LEGAL FINANCIAL OBLIGATIONS	20051220	UNLIMITED	923.28	0.00
COIS	COST OF INCARCERATION /07112000	11292005	UNLIMITED	1021.85	0.00
COI	COST OF INCARCERATION	11292005	UNLIMITED	0.00	0.00
CVCS	CRIME VICTIM COMPENSATION/07112000	11292005	UNLIMITED	255.89	0.00
COPD	COPY COSTS DEBT	10212009	0.00	2.90	0.00
POSD	POSTAGE DEBT	09072006	0.00	23.25	0.00
TVD	TV CABLE FEE DEBT	09092006	0.00	11.61	0.00
HYGA	INMATE STORE DEBT	02152013	0.00	0.90	0.00
TVD	TV CABLE FEE DEBT	06082013	0.00	2.55	0.00
MEDD	MEDICAL COPAY DEBT	09172013	0.00	9.11	0.00
TVRTD	TV RENTAL FEE DEBT	02152013	0.00	4.25	0.00
EL	ESCORTED LEAVE	09-2011	UNLIMITED	0.00	0.00
CVC	CRIME VICTIM COMPENSATION	11292005	UNLIMITED	195.49	0.00
HYGA	INMATE STORE DEBT	09122006	0.00	17.90	0.00

TRANSACTION DESCRIPTIONS --

SPENDABLE BAL SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
02/09/2018	C3_TXN	GPINTERF: Class III Gratuity, TXN_DATE 02/09/2018, NET_AMOUNT 5500	55.00	56.85
02/09/2018	DED	Deductions-CVC-11292005 D D	(2.75)	54.10

THDECKERT

WASHINGTON STATE PENITENTIARY

OTRTASTA

T R U S T A C C O U N T S T A T E M E N T

10.2.1.3

DOC#: 0000889089 Name: BOONE, STEPHEN D

DOB: 05/12/1988

LOCATION: E01-220-GW2132

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
02/10/2018	TV	I05 - TV CABLE FEE	(0.50)	53.60
02/14/2018	J1_TXN	JPINTERF: JPAY deposit spendable, TXN_TRACE 82092585, TXN_DATE 02/14/2	150.00	203.60
02/14/2018	DED	Deductions-LFO-20051220 D D	(30.00)	173.60
02/14/2018	DED	Deductions-CVCS-11292005 D D	(7.50)	166.10
02/14/2018	DED	Deductions-COIS-11292005 D D	(30.00)	136.10
02/20/2018	CRS	CRS SAL ORD #9827382	(90.84)	45.26
02/21/2018	CLB	SPL FOOD SALE FEB 18 GOLF	(27.00)	18.26
02/27/2018	JPAY	JPAY MEDIA ACCT WITHDRAWAL	(5.00)	13.26
03/01/2018	CRS	CRS SAL ORD #9845048	(10.10)	3.16

TRANSACTION DESCRIPTIONS --

SAVINGS BALANCE SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

WORK RELEASE SUB-ACCOUNT
SAVINGS

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

EDUCATION ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

MEDICAL ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

TRANSACTION DESCRIPTIONS --

POSTAGE ACCOUNT SUB-ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------

02/21/2018	J6_TXN	JPINTERF: JPAY deposit postage, TXN_TRACE 82361038, TXN_DATE 02/21/201	50.00	50.00
------------	--------	--	-------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(1.21)	48.79
------------	-------	--------------------------	---------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(1.21)	47.58
------------	-------	--------------------------	---------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(3.50)	44.08
------------	-------	--------------------------	---------	-------

02/26/2018	SPOST	POSTAGE SUBACCOUNT CURIO	(3.50)	40.58
------------	-------	--------------------------	---------	-------

03/01/2018	SAPOS	SAPOS SAL ORD #9845047	(22.00)	18.58
------------	-------	------------------------	----------	-------

TRANSACTION DESCRIPTIONS --

COMM SERV REV SUB-ACCOUNT
FUND ACCOUNT

DATE	TYPE	TRANSACTION DESCRIPTION	TRANSACTION AMT	BALANCE
------	------	-------------------------	-----------------	---------



Washington State Department of Corrections
Food Service Worker
Unit Golf

Inmate Name: Boone, Stephen	Inmate DOC Number: 889089
Hours per day: 6	Days Per Week: 5
Work Hours: 1045-1345; 1600-1900	Pay: \$.42 an hour
Date Assigned: 8/18/17	Date Unassigned: / /

Maximum Hours per month: Unlimited (excess of 131 hours will not be compensated)

Job Duties:

1. Push carts from Hub Kitchen to Unit, and push carts back to Hub
2. Prepare and serve food for breakfast, lunch, and dinner.
3. Take trays through pantry window when meal is completed.
4. Keep food waste in one barrel, separate from other waste.
5. Clean up the pantry after meals.
6. Wash trays.
7. Perform any unspecified duties when instructed to do so by unit staff, to fulfill unit needs.

WORK:

1. You may be required to work on your day off if we are short workers for any reason.
2. You may be required to work in a different position then you are regularly assigned to on any given day.
3. Do not hand out extra food to anyone.
4. Do not keep any food in the pantry; return all excess food to the Hub Kitchen.
5. Personal items, books, papers, hats, etc. will not be allowed in the Unit Kitchen.
6. All work areas will be inspected by a staff prior to leaving the kitchen at the end of your shift. Only then, will you be released from your duties.
7. If you are assigned inside the Unit Kitchen, you will not put your head down to the serving window and talk to inmates going through serving line.
8. Use the bathroom facilities prior to the meal.

ATTIRE:

1. All workers will wear a kitchen frock at all times. Disposable gloves will be used for serving the meal.
2. No layering of clothing will be allowed.
3. All inmates must wear their state issued identification card at all times.
4. Frocks issued for duties performed in the unit kitchen will remain in the unit kitchen.
5. No shorts or sweats or shower shoes will be allowed.

HAIR AND BEARD RESTRAINTS:

1. All workers are required to wear a hair net at all times in the pantry.
2. Inmates with facial hair longer than ¼ inch are required to wear a beard net at all times in the kitchen and dining area.
3. Long hair must be braided or banded.

UTENSILS:

1. Utensils checked out by a staff and given to an inmate to use, are the responsibility of the inmate to return it to the designated supervisor or staff member.
2. No inmates will exit the kitchen until all utensils are accounted for.
3. Inmates are required to report any lost, cracked, altered, or damaged utensils to the area supervisor or immediately. Failure to do so will result in an infraction and un-assignment.
4. All left-over food, empty milk crates, cup racks will be sent back to the WC kitchen after each meal.

Eating:

1. There will be no eating in the kitchen pantry until the last offender has gone through the line.
2. Only food allotted for the meal time worked will be allowed to be taken back to your cell.

UNASSIGNMENT:

You may be unassigned for the following reasons: Poor performance, sub-standard work, theft of food, unexcused absence, inappropriate behavior, or violation of program rules.

I, Boone # 889089, verify I have read and understand the above rules on this date 22 JAN 2017



OFFENDER UNIFORM BASIC SAFETY

All offenders will be required to read and sign the below listed safety regulations. In the event the offender cannot read, these regulations will be read and explained to her/him and this fact indicated in the signature area. If for any reason an offender refuses to sign, this fact will also be noted on the bottom portion of this form.

1. Every effort will be made to provide a safe working environment area for each offender worker and to provide the appropriate safety equipment for each individual.
2. It is the responsibility of each offender worker to use the safety equipment issued to protect against physical injury. Safety Glasses and/or goggles, safety shoes, aprons, arm guards, hard hats, and respirators should be secured prior to beginning an operation.
3. Safety goggles must be worn when performing any grinding, chiseling, filing, chipping, or buffing.
4. Hearing protection must be worn on all workstations designated as high noise level areas.
5. All safety hazards must be reported immediately to work crew supervisors.
6. Offender workers will perform only work that has been assigned to them. Operating machines or equipment or performing any operation that has not been specifically assigned is strictly prohibited.
7. Operating equipment without using the safety guard(s) provided or removal of the safety guard(s) is prohibited.
8. During the operation of any machinery, adjustments and repairs shall not be conducted. The machinery shall be locked first, using the lock-out devices when possible.
9. Standing up in moving vehicles shall be prohibited. Seating provided in vehicles shall be used. Only when the vehicle has completely stopped, will dismounting be allowed.
10. The operator is the only person authorized to ride on a tractor, forklift, or tow vehicle.
11. Offenders who are injured while performing their assigned duties will immediately report such injury to their crew supervisor.
12. It is the responsibility of each offender worker to exercise care, cooperation, and common sense in conducting her/his assigned work. Horseplay on the job will not be tolerated.

I have read and understand the above safety regulations. It is also my understanding that failure to abide by these rules may result in disciplinary action.

Offender Name (Please Print) <u>Stephen Boone</u>	Number <u>989009</u>
--	-------------------------

[Signature]
Offender Signature

22 Sept 2017
Date

Offender refused to sign _____

CM #17564
Signature of Staff Witness

Moreno

9/22/17
Date

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.